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ABSTRACT

Public education consists of various levels of laws, policies, regulations, rules, guidelines, and practices based on the U.S. Constitution. At each level, there is a set of "do's and don'ts" guiding the actions of people involved in public education. This handbook, written to help people understand their rights relating to public education, gives information, ideas and suggestions on how to improve the students' education. Discussed are the education pyramid; legal rights of students and their parents regarding freedom of speech, searches, suspensions and expulsions, dress codes, corporal punishment, student marriage and pregnancy, student records, ability grouping, the educable mentally retarded, bilingual education, Federal programs and discrimination, free lunch program, Freedom of Information Act; how to influence school decisions; evaluation of the curriculum, personnel, school plant and equipment; Texas State education agencies and laws--Texas Education Agency, State Board of Education, State appeals system, State Department of Education, Texas Open Records Act, Texas Open Meetings Act; and how and where to file discrimination complaints. Also included are sample letters for filing Titles VI and IX complaints, for requesting a conference with school personnel, and for requesting permission to speak before the school board; suggestions for dealing with people in the education pyramid; procedures on hearings and appeals; and a checklist for evaluating a school. (NQ)

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Working With Your School

A handbook of the Texas Advisory Committee to the United States Commission on Civil Rights. The contents of this handbook should not be attributed to the United States Commission on Civil Rights but only to the Texas Advisory Committee.

February 1977

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Chapter 1

You and Your Public Schools

Are You A:

Parent with schoolage children?
Student interested in a good education?
Concerned person interested in the community?

If you answer yes to at least one of these questions, this handbook is for you because it describes your rights in the public schools.

How Is Education Related to the U.S. Constitution?

Everyone living in the United States has certain rights guaranteed by the U.S. Constitution. This handbook is written to help you understand your rights relating to public education. As a parent, you have the right to want a good education for your children; as a student, you have a right to want a good education. But having the right to want a good education does not guarantee it. A good education comes only if you have good schools, and good schools are the result of people like you working to have them. Are you willing?

This handbook gives information, ideas, and suggestions on methods you can use to improve the education of students. You can use this book as an individual on your own, or you can use it together with a group of parents or students. Remember, you have a *right to expect good schools*, and you have a *right to get involved to improve them.*

In a sense, public education is like a pyramid of laws, policies, regulations, rules, guidelines, and practices built on a foundation we call the Constitution. In other words, at each level of the pyramid, there is a set of "do's and don'ts" that guide the actions of people involved in public education.

At the bottom of the pyramid, the Constitution applies to everyone in providing freedom of speech and religion and other rights. At each level, the "do's and don'ts" can be directly traced to the Constitution. For example, the local school board's policies must not violate your freedom of speech guaranteed by the Constitution.

It is important to understand the education pyramid in order to make the best use of this handbook, so spend some time studying figure 1. At each level, you see the types of people and agencies that are responsible for the "do's and don'ts." Notice that the closer you get to the top of the pyramid, the fewer are the people involved and the more responsibilities and opportunities you have for involvement. For instance, the Constitution affects everybody, but the teacher's classroom rules apply only to the students in the class. Try to put names of people, schools, or agencies at each level of the pyramid. If you don't know many of the names now, try to fill them in after reading other parts of the book or after getting involved in school activities. When you are able to name individuals and agencies at each level and know their responsibilities, you will be in a very good position to improve public education. In chapter 2 you will see how important it is to know who the responsible persons are whenever you try to improve your school.

How Do the Courts Get Involved in Education?

Under the Federal system of government set up by the U.S. Constitution, the courts are responsible for interpreting laws, rules, and regulations whenever there are disagreements or disputes. You can see the many court levels in figure 2. These courts have power and responsibility to:

- review facts in cases brought to their attention;
- interpret the U.S. and State constitutions;
- decide if a constitution or law has been violated;
- order punishment when there is a violation;
- order action to be taken, when necessary; and,
- order illegal actions or practices stopped.

Figure 1

The Education Pyramid

Parents send *students* to school within the framework of all the rules, guidelines, laws, and constitutions.

Teachers, counselors, coaches, sponsors, and *advisors* establish certain rules and take actions within school rules.

School principals issue certain rules in keeping with district policies and guidelines.

Local district administrators issue guidelines in keeping with school board policies.

Local school boards adopt budgets and policies in keeping with the authority and jurisdiction allowed by State constitutions, laws, policies, and guidelines.

City and county governments pass ordinances local schools must follow. State constitutions and laws apply to this level too.

State education agencies adopt guidelines that indicate how State board policies, States laws, and Federal laws will be carried out.

State boards of education adopt policies to carry out State and national laws.

State legislatures pass laws in keeping with State and U. S. Constitutions.

The people of every State adopt State constitutions to define power and responsibilities of State governments within the limits of the U. S. Constitution.

The President and Federal agencies issue instructions which tell how they will carry out the laws. These are called *Executive orders and agency regulations.*

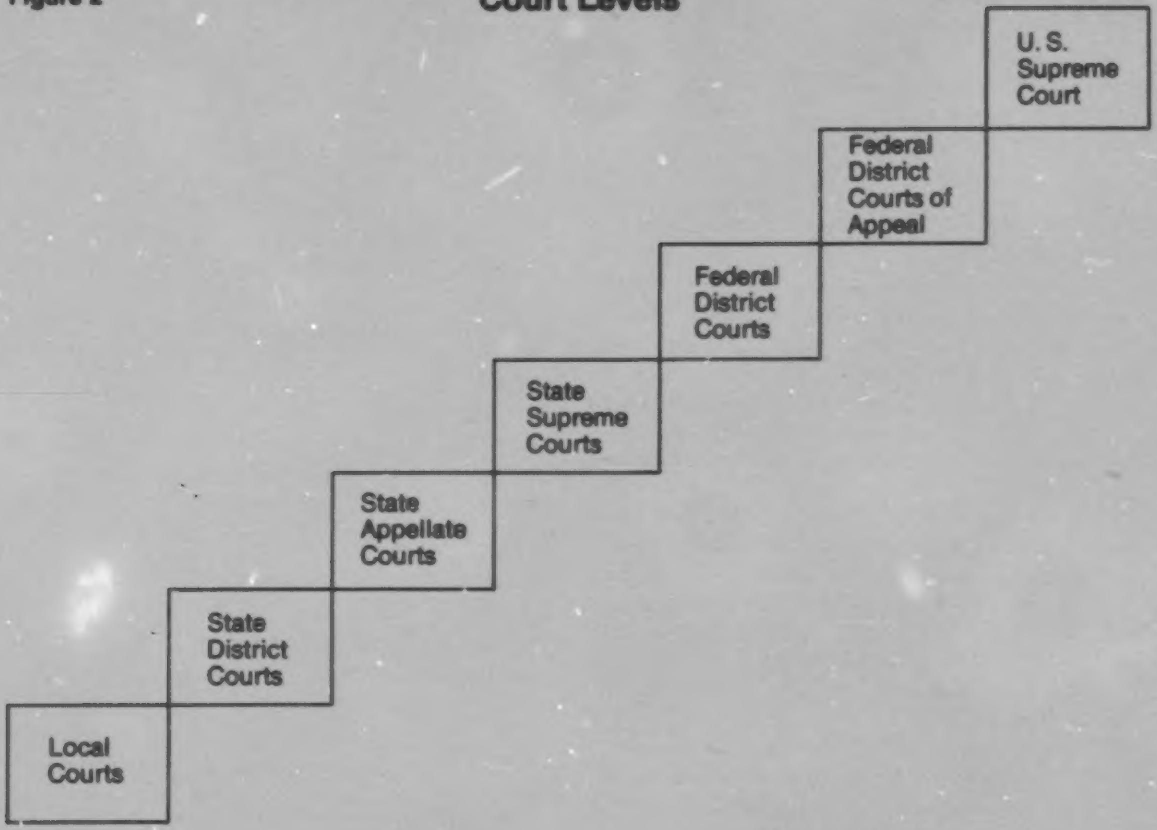
The Congress passes laws in keeping with the Constitution, further defining powers and obligations of government and providing funds (appropriations).

The United States Constitution, as the foundation of the pyramid:

- Gives government certain powers and responsibilities.
- Prohibits government from certain actions.
- Guarantees the individual certain rights.

Figure 2

Court Levels



U.S. Constitution and Laws Over State Constitutions and Laws?

When a State constitution or law is challenged, the courts can decide if it is in keeping with the U.S. Constitution and Federal laws. State education laws, therefore, must be in keeping with the U.S. Constitution. You can see, then, that every law, policy, guideline, regulation, rule, and practice related to public education can be traced back to the U.S. Constitution.

The United States Supreme Court is the final legal authority, but decisions can be made by other courts, subject to final review by the Supreme Court. Actions, rules, regulations, and laws are assumed to be constitutional (legal) unless challenged by someone. For example, if a school board adopts a very severe policy on discipline, you can challenge it on grounds that the policy:

1. Violates a certain State law;
2. Violates State constitution;
3. Violates a Federal law; or,
4. Violates the U.S. Constitution.

You can also challenge lack of action for the same reasons. In other words, you can say that a teacher, school district, or State or Federal agency has not taken action required by law and, therefore, is in violation of the Constitution. For example, if a school district has not taken steps to integrate its schools, you can challenge its lack of action as a violation of the Federal law and the Constitution.

From the information we have provided thus far, it is clear that people in positions of authority, including teachers in public schools, have no legal power except that which is granted by the Constitution and laws passed under its authority. More information on the Constitution and the rights it protects is provided in chapter 3. In that chapter, you will see the specific rights you have with respect to the public schools. That chapter also gives information on various Federal laws that have been passed to help protect your rights and improve the public schools.

Where Does the Money Come From?

The schools are public institutions that operate with local, State, and Federal tax dollars. Some of the money is collected every year and spent in the same year. Other funds are borrowed under a system that permits school districts to sell "bonds." These bonds are promises by the school district to make payments over the next 10, 20, or 30 years, until the total amount is paid. Payments include interest charged by the banks, companies, or individuals who loan money to the district by buying the bonds. Bonds are usually used to buy large items of equipment and to build or remodel buildings. These are called capital expenses. The school districts, then, collect taxes to pay for current operating costs and long-term bond debts for capital expenses.

Money for your schools comes from the four major sources shown in figure 3. Although bonds are listed as a major source, you should remember that local taxes are used to repay the bonds over a long period of time.

The amount of money received from each source depends on many things, including local property values, number of students, types of courses taught, and applications (proposals) submitted for funds. The issue of school finance and its effect on equal educational opportunities is very complicated and often unfair to everyone. If you are interested in learning more about it and how it affects your district, you should read reports such as *Mexican American Education In Texas: A Function of Wealth*, published by the U.S. Commission on Civil Rights.[1]

Since tax money is being used to run your schools, you have an obligation to be concerned about how the money is used. Even if you do not own property, you still indirectly pay local property taxes when you pay rent to your landlord. If you live in public housing, you still must pay sales taxes and income tax, and both are used to help pay for the schools.

Who Is Responsible for School Decisions?

You saw in the education pyramid that many different persons and agencies are responsible for the good or poor quality of education students are receiving. Members of your local district board of trustees have a very significant public responsibility. They are responsible for setting education goals and policies, collecting taxes, approving budgets, hiring staff, and making changes when things go wrong.[2]

Naturally, school board trustees must use good judgment and common sense in doing their jobs. First and foremost, they should be interested in providing good educations for all the children in the district, not just a select few. While they must follow the laws and regulations established by State and Federal authorities, they do have a great deal of local authority.

What Are the Major Issues in Schools?

Do you know what the important issues are in educating your children and running your schools? Perhaps a brief review will help you identify the major points you can consider. They can be divided into five major categories or sections: (1) curriculum; (2) personnel; (3) school plant and equipment; (4) parent and student rights; and, (5) school board and accountability.

Curriculum

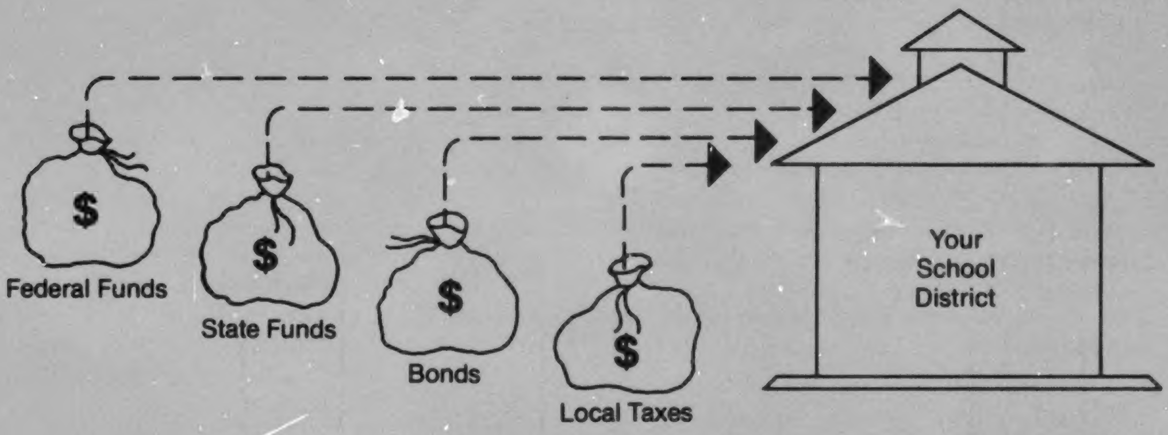
Curriculum is the name given to the studies and courses provided to students in school. The school's curriculum describes what and how much children are going to be taught. English, mathematics, reading, Spanish, history, government, science, typing, farming, auto mechanics—all of these and other courses are part of the curriculum.

The important question to ask about curriculum is, what is the student expected to learn? What should students know and be able to do when they complete the first grade, elementary school, junior high, and high school?

Only after deciding what students should know when they finish a school year or course of study should the curriculum be set up. Who decides what students should know and who decides the school curriculum? The answer is *many people*, including you.

Figure 3

Where the Money Comes From



First, the State education agency sets minimum standards. This means that, through laws and regulations, decisions are made on the basic courses that should be taught. State laws, for example, require that English be taught. Once the basic requirements are met, each school district then decides if it wants to teach additional subjects. Sometimes the State requires that at least one subject out of a group of two or three be taught, and the districts choose one or more. The State then evaluates the school district's curriculum plan and approves it. If the plan is not approved, the district is not "accredited" (not approved) and cannot receive State funds. It is primarily through accreditation that the State supervises local school districts.[3]

Remember, the requirements are only the *minimum* needed to be accredited and to receive basic State funds. School districts can provide more and better courses than the State requires. As an interested parent or student, you can recommend that new courses be added or that existing courses be dropped or improved. For example, it is often necessary to approve new textbooks, and parents should be involved in making recommendations on what books to use. The decision to add, improve, or drop courses should then be made if it is felt that the action: (1) is needed, (2) can be afforded, and (3) does not violate State requirements.

When reviewing the curriculum in your schools, consider these general rules of thumb:

Elementary School—The studies at this level should provide students with the ability to read, write, spell, do basic mathematics, use their minds to explore new ideas, and to get along with others. At this level, children are learning how to learn and how to think clearly. They need to develop a foundation for their future education. This means learning to understand themselves, developing confidence in what they do, and respecting the rights of others. Much of their learning comes outside of the classroom in the playground, the cafeteria, the home, etc. For the best results, it is important that, as a parent, you know what happens in school by visiting the teacher and discussing your child's progress in class.

Mid, Junior, and High School—As students advance in age and school years, the curriculum becomes more specialized and more challenging. If the overall foundation was not provided in elementary school, the student might have problems in the higher levels. The curriculum now goes into special courses in math, English, and other areas. Special vocational skills might be taught such as typing, mechanics, or welding. At this stage, it is important that as a parent you know if your child is being taught the courses needed to go to college or only vocational courses. Also, does the curriculum have studies that will help the student get along in the "outside" world, such as budgeting, consumer protection, citizenship, and cultural awareness? Even if you yourself did not go to high school, you still have the right to look into your school's curriculum. Your age, your experience, and your common sense will help you evaluate the curriculum. So don't be afraid to ask questions and to raise concerns. Good teachers, good principals, and good school administrators welcome questions from parents because it shows they are interested in the schools.

Other points to consider in reviewing the curriculum include:

Homework—As a parent you should be interested in the amount and type of homework your child receives. Sometimes it can be too much, or too hard, and can result in frustration and failure; other times it might be so little that very little is learned during the year. You should keep up with your child's homework.

Ability Grouping and Tracking—In many schools students are assigned to classes according to test results, so that all the "bright" children are in one group and the "slow" ones are in another. This can have a serious effect on children, especially those who have problems speaking English. Studies have shown that children who are grouped in the slow-learner category are often placed there because the tests used did not properly measure intelligence. Other studies have shown that both "bright" and "slow" children often learn more when they are in mixed groups because there is more diversity and more opportunity to succeed.[4]

Guidance and Counseling—In some schools, counselors do not have the time or training to provide individual attention to students. Unless counselors are well trained and have the time, many disciplinary, academic, and personal problems will go without proper attention. Without good counseling, some students will be given wrong information and advice on academic and vocational courses that will influence the rest of their lives. For example, students who have the talent might miss the opportunity to become engineers or doctors because of poor counseling.

Compensatory Education—Compensatory education is provided in many schools for students who need additional help to reach the level required in the grades they are in. This help might be needed because they speak more Spanish than English, or because they didn't have the same opportunities to learn what other children in their grade have learned. Compensatory education does not mean that the students are not as smart as others; it only means that they got a later start in learning and they need help to catch up. Remember, what a student should know when he or she finishes a school year is important. Compensatory education allows schools to provide extra help to students who need it to catch up with the others. Funds are often provided by Federal programs, but schools have to submit proposals.

Bilingual Education—Children who grow up speaking a language other than English at home can learn more in school by being taught in both their home language and English. In this way, they learn the subject being taught—they learn correct usage of Spanish, for example—and they learn English. Bilingual education requires specially trained teachers, which means more costs. Funds are provided from Federal and State levels if your school districts submit plans and proposals. Schools are required to provide equal educational opportunity for all children, and many times this requires teaching in Spanish or in another language until they learn English. It is also important that serious consideration be given to bilingual-multicultural education throughout the school system. Several States have special programs to encourage this.[5]

Extracurricular Activities—Even though students usually do not get credit for working on the school paper, playing sports, being in student government, or belonging to school clubs, these activities can play a big part in their education. These activities should be open to everyone without unfair restrictions on participation.

Grades, Passing and Failing—The system for grades, report cards, and deciding when a student is to be held back a year is very important. If you have serious concerns about this, you should look for advice from people who have some experience and expertise. However, when you have questions on one or two grades your child received, discuss them with the teacher to see if you need to follow up.

Personnel

Personnel are the people hired to work in the schools. There are generally three types of personnel in the schools: (1) the administrators, who supervise everyone else; (2) the teachers and other professionals who have direct contact with students; and, (3) the support staff, including teachers' aides, secretaries, and maintenance and food service workers.

The administrators are usually teachers who have been promoted because of experience and special training. The larger the school district is, the more the administrators. They play an important part in the schools, since they often recommend policies to the school board and often interpret these policies. Principals, assistant superintendents, and business managers are administrators.

Teachers are usually hired by contract and must have certain qualifications, including certificates from the State authorizing them to teach. Their salaries are set by the State, although local districts can pay more if they have enough local money. It is very important that you meet and visit the teachers, who are the people in contact with your children every day. Other professionals include counselors, coaches, and nurses.

The support personnel are often neighborhood people who work at the school. Without their help, it would be impossible to run the schools, and they too are very important.

All the staff are responsible to the superintendent, who is responsible to the school board. These people must be hired and treated without discrimination. If you believe that employment discrimination exists in your school district, then complaints can be filed with the Equal Employment Opportunity Commission (EEOC). (See chapter 6.)

To have a good understanding of how your schools operate, you need to know the employment rules. How do they hire teachers? When are teachers transferred and promoted? When are they reprimanded or dismissed? Are they qualified? These and other questions are important. You should know the answers. Chapter 4 gives you suggestions on how to get these answers.

The School Plant

The school plant and equipment very often influence the education of your children. If the school building is old and falling apart, it might not have the facilities needed for recreation and food services or bathrooms. Maybe it's too hot in the summer and too cold in the winter. Sometimes the equipment—such as desks, chairs, projectors, and typewriters—may be too old and always breaking down. In vocational training, the machines used might be so old that they are obsolete and are no longer used by private industry.

Do you believe that the supplies and equipment at your school are "hand-me-downs" from another school? Why should your school use old equipment when another school in the same district has brand new equipment? How good is the playground and equipment? Are there any safety problems? These are just some of the questions you should consider in looking at the school plant and equipment. The point to remember is that buildings and equipment are very important parts of the education program.

Chapter 4 has several suggestions on what to look for in judging your school plant and equipment.

Parental and Student Rights

Parental and student rights are based on the fundamental rights provided in the U.S. Constitution. Chapter 2 discusses the legal aspects of these constitutional guarantees. Special laws passed by Congress and decisions made by Federal courts are explained. Chapter 5 reviews special laws passed by the State legislature, and decisions made by State courts with respect to these rights.

The important point about laws, court decisions, and individual rights is that when your rights are violated you can receive official protection to stop or correct the problem. This protection of your rights comes from the State or Federal agency responsible for enforcing a law or from a court. If you ask the courts to help you, it means that you will probably need a lawyer.

Another point to consider about rights is that their meanings are *subject to interpretation*. In other words, you might believe you have a right to be notified in advance if your child is to be suspended for 1 day, but the principal might believe that in certain situations he has the right to suspend without telling you ahead of time. Since there is a conflict in interpretations, someone else, a third party, must resolve the difference. In our system of government, the final interpretation is left to the courts.

This doesn't mean that the courts will decide in favor of your case. It could be that the school board decides that you are wrong and, if you accept the decision, the matter is settled. However, if you still believe you are right, you can *appeal* to a higher level until you reach the Supreme Court. Remember: legal interpretations, court decisions, and appeals take time, expertise, and money. If you don't have them, then you might be better off negotiating or getting public support for your position. Some suggestions and strategies on this are presented in the next chapter.

The School Board

The school board members are your representatives and are responsible to you for the way they run the school district. You will see in chapter 3 that your participation in school board elections is very important. You will also see in chapters 2 and 5 that you can attend school board meetings and present complaints or suggestions. The best way to get improvements in your school is to work closely with the school board. If, however, you do not get the cooperation you think you should, then chapter 2 discusses some ways to handle the matter.

Summary

In all your work to improve your schools there is one fundamental point to remember: Schools are for the purpose of educating students; they are not toys for someone to play with; they are not the private possession of one person or group; they are not laboratories for experiments. If you believe that your children should get a good education and you are willing to do your part to improve the school system, you can have a positive impact on the schools. We believe this handbook will help you in your efforts.

Now, let's review some points:

- Everything that happens in public education can be traced through the pyramid of the Constitution, laws, rules, and actions described earlier. This pyramid is protected by the court system.
- Public schools are financed with money from local taxes, bonds, State funds, and Federal funds.
- When you look at your schools you should consider these five main areas: quality and type of curriculum; personnel (superintendent, administrators, teachers, and support workers); school plant and equipment; student and parental rights; and school board and accountability.
- You can look into these areas as individuals, or you can work in a group.
- If you work in a group, chapter 4 gives you some suggestions on how to set up a comprehensive evaluation of your schools.
- If you are interested in making some changes in your schools, chapter 3 provides you with some ideas and suggestions on influencing decisions.
- If you are interested in basic rights, you should review the chapter on rights.
- If you want to know about your State, look at chapter 5. This chapter reviews various educational structures and laws within your State to provide you with a general outline of how your State educational system is organized. Explanations are given of major State educational bodies, the system of appeals and hearings, and other important laws affecting education like the State Open Records and Open Meetings Acts. A section of this chapter also treats State laws governing community and local school and school board relations.

Notes to Chapter 1

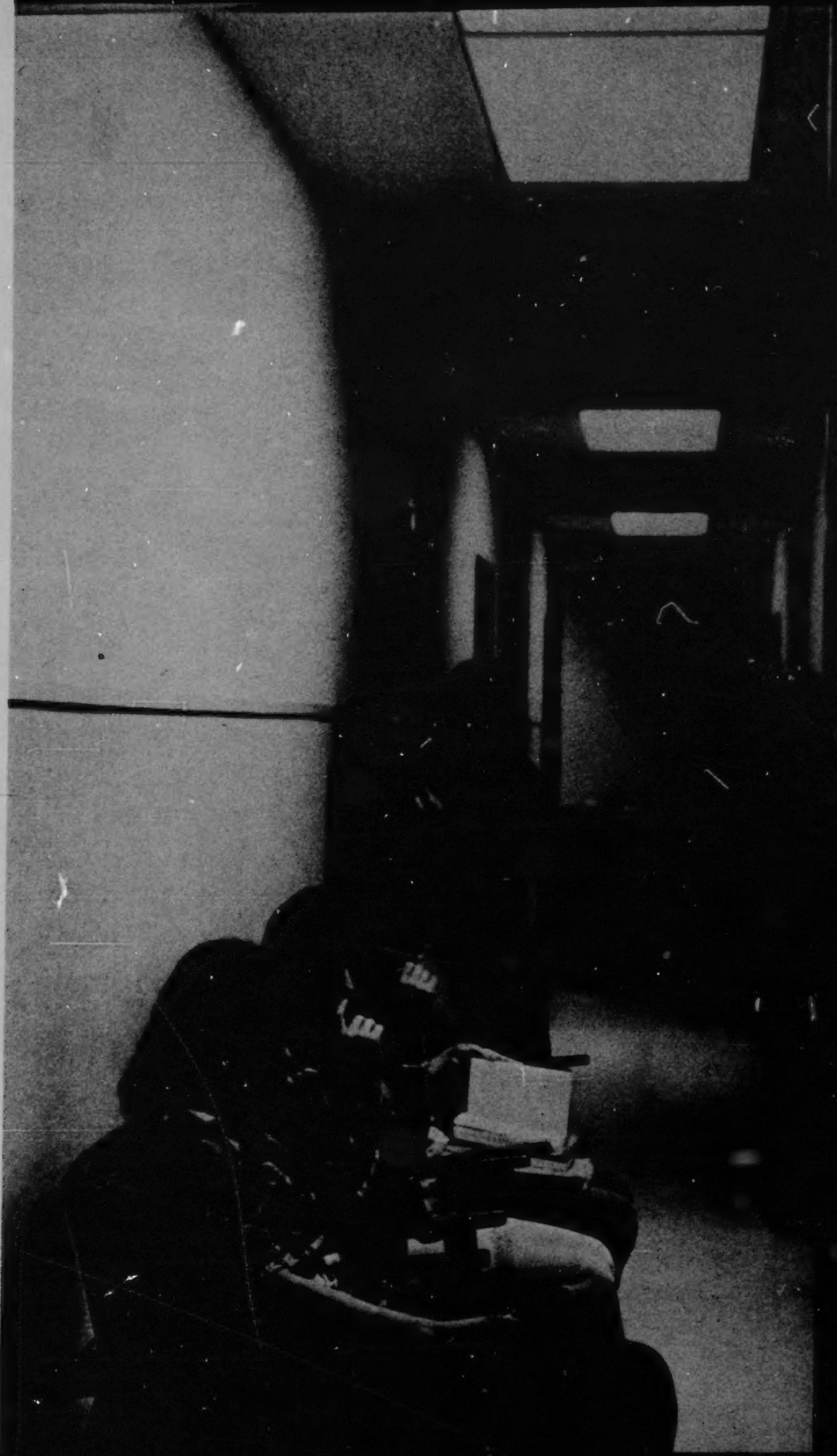
1. U.S., Commission on Civil Rights, *Mexican American Education in Texas: A Function of Wealth* (1974). Also, U.S., Commission on Civil Rights, *Inequality In School Financing: The Role of the Law* (1972).

2. See chapter 5 for specific information on the authority, duties, and responsibilities of school boards.

3. Ibid.

4. U.S., Commission on Civil Rights, *The Unfinished Education* (1971). Also, U.S., Commission on Civil Rights, *The Excluded Student* (1972).

5. U.S., Commission on Civil Rights, *A Better Chance to Learn: Bilingual-Bicultural Education* (1975). See also, Intercultural Development Research Association, *Newsletter*, September 1975, pp. 2–5.



Chapter 2

Legal Rights of Students and Their Parents in the Public Schools

"*The Constitution does not stop at the public school doors like a puppy waiting for his master, but instead it follows the student through the corridors, into the classroom, and onto the athletic field.*" (*Granger v. Cascade County School District*, 499 P. 2d 780, Mont. 1972)

This chapter informs you about your legal rights as a student or as a parent in the public schools. First, let us begin by emphasizing that the schools are *ours*. We pay taxes and support these schools. We pay the salaries of the people employed by the school district. Therefore, the teachers, counselors, principals, and even the superintendent are *our employees*. We have a responsibility to be involved in seeing what is being done with our tax money and our children have a right to the education we're paying for. We place a great deal of money and trust in the hands of these school officials and we should hold them accountable. They have a job to do and we have a duty to determine how successfully they are doing it.

You have a right and perhaps even an *obligation* to become involved in the schools. After all, what is more basic to the advancement and prosperity of you and your children than education? Remember that, like all good things, quality education doesn't come easy and it's going to take a lot of work.

The format we'll use is to present a factual situation and then an explanation of the law in each subject. You can read all the sections as a whole or read only those areas that are of interest to you. Don't forget that to obtain your rights you must first know what they are. We hope this chapter will make you more aware of your rights with respect to the public schools.

Speech

Carmen makes a speech that she had been assigned in her history class on the issue of illegal aliens. Her teacher disagrees with her and asks her to leave the class and go to the principal's office. Does Carmen have a right to express her opinion? What are her rights?

Of course, Carmen has a right to express her opinion, regardless of how unpopular what she has to say is or how many people disagree with her. The U.S. Constitution, which is the supreme law of the land, clearly states that no one can make any laws that prohibit freedom of speech. This is usually called a *first amendment right* because it is the first amendment to the U.S. Constitution which says that no one can deny us the right to speak and say what we think.

First Amendment

"Congress shall make no law*abridging the freedom of speech, or of the press; or the right of the people to peaceably assemble***."**

What about a case where Alex wears an armband to protest the war in a foreign country? Is this also protected by freedom of speech? Yes, sometimes we make our ideas known to others without saying a word. If the act of wearing the armband is *intended to express an idea* and if it *communicates* that idea to other people then this is speech,[1] although not a sound was made.

Are there any limitations of this freedom to speak or express opinions? Yes, a leading case in this area has ruled that students can be prevented from speaking their mind only if this action would "*materially and substantially disrupt the work and discipline of the school.*"[2] Thus, if Alex decided to protest the war by bringing in a band and singing protest songs in the halls while classes were being held, he could be kept from doing this because it would substantially disrupt the classes.

What about getting a group of students together to protest the war? The students have a right under the first amendment to *assemble peaceably*. This means that they can't disrupt school activities. One problem in this area is that school officials can use their discretion to determine whether a certain action *substantially disrupts* the school activities. If a principal is of the opinion that there is substantial disruption, then he or she can legally prevent the assembly. The principal can make this decision, although what is a significant disruption to him or her may not be one to someone else.

The principal can be proven wrong on appeal to the superintendent or to the school board, but by that time the issue has been resolved because the assembly has been stopped. To protect against this, it is wise to remember that the chances of stopping an assembly are greater if it occurs during the normal school day and if it takes place on school grounds. If it is held at the school and during the time that classes are in session, then care must be taken so that classes are not disturbed.

What if this group decides to write a newspaper or a newsletter to pass out to the other students? Can they do this? Yes, freedom of the press is protected by the first amendment, and a paper or newsletter can be barred from school grounds only if it would substantially and materially interfere with school activities.[3]

Maria wants to express an opinion in her class at school. She does this by not saluting the flag. Does she have a right to do this? Is this freedom of "speech"?

Yes, this action is protected by the first amendment. As a matter of fact, the U.S. Supreme Court has held that forcing a Jehovah's Witness to salute the flag was a violation of that person's first amendment rights to freedom of speech. The Court said that by *not* saluting the flag the student was expressing a point of view.[4] Another case went further and said that those students who do not wish to salute the flag or recite the pledge of allegiance may not be required to stand during the ceremony.[5] Again, this lack of action must not substantially disturb the class.

Searches

Jose finds a marijuana cigarette on his way to school and decides to put it in his locker and save it so that he can show it to his friends after school. The principal is told about the cigarette by one of Jose's classmates. Can the principal search Jose's locker? Can a police officer be called to search the locker? What are Jose's rights?

In this case, Jose is in real trouble because, while the *fourth amendment* protects a person outside a school building from being subjected to unreasonable searches, it has not been applied to students while on school property.

Fourth Amendment

"The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause*."**

In a case[6] very similar to this, a high school principal allowed a police officer to search a student's locker for marijuana over the student's objection.

The court found in favor of the high school principal because it reasoned that the educator had a duty to maintain campus discipline and that a reasonable right of inspection of school property and premises was necessary to carry out that duty. The fact that the locker had been set aside for the exclusive use of the student was thought to be unimportant.

In another case where a principal opened a student's locker and found stolen goods and turned them over to the police, the court ruled that: "Although a student may have control of his school locker as against fellow students, his possession is not exclusive against the school and its officials."[7]

Thus it appears that, as the law stands today, a student's locker, desk, papers, and even his or her person may be searched by school officials or by police granted permission by school administrators. This is not to say that a student cannot refuse to give his or her consent to such a search. In most cases the students should tell the officials in front of witnesses that they do not give their consent. The students, however, *cannot* stop school or police officials from conducting a search. The reason for not giving consent is that any evidence found can be used in a court of law or at a hearing if the student consented to the search. If a student has not consented to a search and it is later ruled to have been an illegal search, then the evidence gathered cannot be used against the student.[8]

To protect his or her rights, a student is only required to state that he or she does not consent to the search, and no action to prevent the search is required or advisable.

While there are some cases that are favorable to students and they could develop a trend in this area, that is not the law at present. Thus: A student should not put anything in his or her locker or take anything to school that he or she would not want school officials or the police to obtain.

Suspensions and Expulsions

J.B. gets into an argument with another student during the noon recess. A teacher sees them and sends them to the principal with a note that says that the students were fighting. The principal tells them to go home and not to come back until they are ready to behave properly. What are J.B.'s rights?

When a student has been *suspended* from school such as in J.B.'s case, the student is temporarily denied the right to attend school. This is usually done when the student has misbehaved and the offense is serious enough that it requires that the student be kept out of school for a few days as punishment. When this situation arises and a student is suspended, there are certain things that must be done. This is usually referred to as *due process.*

The U.S. Supreme Court in a recent decision on suspensions and due process ruled that: Before a student can properly be suspended for 10 days or less, he or she at a very minimum must be given *some notice and some kind of hearing.*[9]

The notice given to the student of the charges against him or her may be *oral or written.* If the student denies the charges, he or she must be given an explanation of the evidence the school officials have based their decision on, and the student must be given a chance to answer the things she or he is accused of having done. This basic due process is required by the *14th amendment* to guard against unfair or mistaken findings of misbehavior and to prevent wrongful suspensions.

Fourteenth Amendment

> **"No State***shall deprive any person of life, liberty, or property, without due process of law***."**

Thus, J.B. must be given notice of the charges against him and at least some kind of informal hearing before or immediately after he is suspended.

Diana, on the other hand, became angry when she received a failing mark on her chemistry project and screamed at the teacher in class. She was sent to the principal's office and was expelled from school. What can she do now? Does she have any rights in a situation like this?

Being *expelled* from school usually means that it was a very serious offense and, therefore, the time that the student is kept out of school will be longer. Sometimes the expulsion is for the whole school year. Suspensions for a substantial amount of time (10 days or more) and expulsions should be treated more seriously by students and their parents. The law is clear: When students are suspended for a substantial amount of time or are expelled, they have to receive certain due process. A hearing must be held and, since the possible result (expulsion) is more serious, the hearing should be more formal than that for a short-time suspension.[10] Due process should include the following:

1. **A written statement of the charges should be furnished before the date of the hearing.**

These charges should be specific and describe exactly what the student is being accused of having done.[11] In the case of a minor, notice should also be given to the parents or guardians of the student.[12]

2. **A hearing should be held before the individual ultimately responsible for student conduct.**

In most schools this will usually be the principal of the school. Included in this area is also the requirement that the person conducting the hearing must be impartial[13] and not take sides until he or she has heard all the facts.[14]

3. **Students should be permitted to inspect in advance any affidavits or exhibits that school officials intend to use at the hearing.**

The student has a right to know what evidence is going to be presented against him or her[15] so that the student will have an opportunity to prepare a defense. Some courts have even ruled that the parents should also be allowed to have this information.[16]

4. **Students should be given the right to present a defense to the charges against them and to present affidavits, exhibits, and witnesses if they want.**

This simply means that the student must be given an opportunity to tell her or his side of the story.[17] Although there have only been a few cases where a student was allowed the presence of legal counsel, there does appear to be a trend toward allowing lawyers,[18] and, if the student can afford one and wants to have one present, she or he should certainly request that a lawyer be allowed to present the defense.

5. Students should be permitted to hear the evidence presented against them, and students should be allowed to question any witness who has given evidence against them.

Most courts have held that students should be allowed to confront the witnesses who give evidence against them. Thus, a student can question the witnesses against him or her in most cases.[19]

6. The hearing officer should determine the facts of each case solely on the evidence presented at the hearing and should state in writing his or her finding as to whether or not the student charged is guilty of the conduct alleged.

In serious cases a hearing may be held first by the principal at the school and then later before the school board. If one formal hearing has been held by the principal, then the hearing before the school board can be more informal as long as the student is allowed to present his or her side of the story.

Also, it is not a good idea to have a person who was involved in the incident conduct the hearing.[20]

7. Either side may, at its own expense, make a record of the events at the hearing.

This means that those present at the hearing may take notes or even tape the proceedings so that they can have a record of the hearing.[21]

The hearing doesn't have to be opened to the general public. The school officials can properly allow in only those people who have an interest in the outcome of the case.[22] Also, the school officials have no legal obligation to inform the student at the hearing of any rights such as the right to remain silent.[23]

If an unfavorable decision is obtained at the initial hearing, the next step is to seek to appeal the ruling to a higher authority. The procedure in most school districts is to appeal to the superintendent, then to the district's school board, and then finally to the State commissioner or superintendent of education. The courts have recognized the right to appeal from a suspension or expulsion hearing.[24] If you are not told at the hearing how to make an appeal, then the place to get this information is from the school board. For purposes of appeal the person conducting the initial hearing should provide a report of the evidence that served as a legal basis for the suspension or expulsion.

Discrimination

Aurora is a Mexican American high school student. She notices that her school consists of 90 percent Mexican American and black students, while a school 2 miles away is largely Anglo. Additionally, the girls and boys are separated in all the vocational courses. Aurora wanted to take a course in auto mechanics and was not allowed to do so by her counselor. Have any rights been violated?

The answer, of course, is yes. Each and every student is entitled to receive an education equal to that of all other children regardless of her or his sex, race, color, national origin, or religion. Students cannot be treated differently because of these characteristics. All are equal before the law and all are equal in school. A school cannot discriminate against any group of students. The law says that children of different races and national origins are to attend school together and are not to be separated in schools or classes that are made up primarily of one racial or ethnic group. This is usually called integration because all the groups are integrated or mixed.

There have been many court cases on this issue, but one of the most recent is a Denver, Colorado, case[25] which held that one group of minority children could not be combined with another racial or ethnic minority to achieve integration. For example, if Mexican American children are combined with black children, there is no integration. This is because you are combining two groups that have suffered identical discrimination.[26] To have integration, all groups must be combined. This case, perhaps, will develop into a trend toward more truly integrated public education.

In the area of sex discrimination some progress is being made, but it is a very slow process. Just as some people have fixed or stereotyped ideas of different races, they also have them about sex. The most common stereotype is that women cannot do the same jobs as men. This implication has a great effect on the way the school perceives the needs of its students and how the students view themselves. Discrimination based on sex could include such practices as counselors directing girls and boys into the "appropriate" professions for their sex group, limiting the kinds of sports girls can participate in, and restricting classes to one sex. An example of this would be not allowing boys to take a course in cooking or girls a course in auto mechanics because of their sex.

In the case of Aurora, her parents or someone else needs to bring this to the counselor's attention. This is very important because of the great influence that counselors have on the school life and the careers that the students choose. The beneficial effect of a counselor in a student's life should never be taken for granted.

Dress Codes

Guadalupe is working part time with a rock group and has his hair down to his shoulders. The coach at school says that if he doesn't cut his hair he will cut it for him. Guadalupe fails to cut his hair and the coach takes the scissors to the student's hair. What are Guadalupe's rights?

Times have changed and so have styles. With the popularity of longer hair, beards, and moustaches have come increased problems between school officials and students over school rules on hair length. School administrators have taken the position that they are entitled to establish rules and regulations to maintain order in the everyday operation of the schools. Students, on the other hand, take the position that they are people and, thus, have certain rights even though they are students. One of these rights, they emphasize, is to choose how they want to look—hair length, dress, etc.

The U.S. Supreme Court hasn't ruled on this issue yet, and the courts directly below the Supreme Court have ruled differently in different areas. Eventually, the Supreme Court will have to decide this issue for the courts, but for now the law of the circuit court is the law for that area of the country.

The circuit courts[27] that have jurisdiction over Texas, California, Arizona, Colorado, and New Mexico have ruled in favor of school officials and have upheld hair regulations. However, no courts have ruled that school officials *must* regulate hair length, so it is up to the individual school district to make its own policy in this area. This is one area where students and parents can help change or make policy decisions.

The court decisions on dress codes have generally been the same as the decisions on hair regulations in each of the jurisdictions. The decisions of the circuit courts that include Texas,[28] California,[29] Arizona,[30] Colorado,[31] and New Mexico[32] are not helpful in getting dress codes changed. Changes must be made by working with individual districts.

New regulations of the Department of Health, Education, and Welfare (HEW), issued under Title IX of the Education Amendments of 1972, prohibit sex discrimination "against any person in the application of any rules of appearance."[33] Thus, while this does not prevent having hair regulations or dress codes, it does require that the rules not be discriminatory against one sex. For example, if hair length is regulated for boys, then it must also be regulated for girls. If socks must be worn with sandals by boys, then girls must also wear socks. More comprehensive guidelines should be available from HEW very soon.[34]

In our example where a school official decides to cut a student's hair, there is an additional issue. In this case, the school official could be subjecting himself or herself to complaints from the student's parents to the superintendent, school board, or even the State commissioner and State board of education. In some cases, there might even be cause to file a suit for damages against the school official based on the embarrassment and suffering caused the student and any resulting damage that was done because of the school official's action.

Corporal Punishment

Cipriano is told by his teacher to behave or she will paddle him. He throws an orange across the room and is spanked. What would happen if his parents had informed school officials that they did not want their child spanked?

The issue of physical or corporal punishment, such as spanking, is a local one. Whether a teacher, vice principal, or other school official can spank a student is determined by State law and by school board regulations.[35] Some States have laws that prohibit totally the use of physical punishment, while others limit its use to certain kinds; for example, forbidding the striking of a student's face or head.

However, even in school districts in a State that allows physical punishment, the school board is still free to formulate its own policy prohibiting this form of punishment or placing some specific restrictions on its use.

To find out if a school district allows corporal punishment, you can contact the State agency in charge of education and the local school district office.

Even if a State or school district allows corporal punishment, the punishment must be *reasonable* and *necessary*. Under no circumstances should excessive punishment be allowed, and courts have repeatedly upheld the right of students to sue when they have been injured by a teacher or other school official by the use of excessive force.[36]

Also, a recent case has held that, if parents tell the appropriate school authorities that their children are not to be spanked, the school administrators must respect the parents' wishes. However, this places the responsibility on the parents to see that the children are properly disciplined so that they do not hamper the education of the other children by disturbing the orderly educational activities of the school.[37] Whether this will be the trend is uncertain, especially in light of a recent case decided by the U.S. Supreme Court. In that case the Supreme Court affirmed without comment a lower Federal court's decision that school teachers may, within certain procedural limits, administer "reasonable" corporal punishment to students for disciplinary purposes.[38]

Student Marriage and Pregnancy

Elena, a high school senior, is single and pregnant. She and her parents want her to remain in school so that she can graduate from high school. School officials, however, have taken the position that Elena should withdraw from school because she is going to set a bad example for the other students. What can Elena do?

This whole area of married and/or pregnant students is one that involves a great deal of controversy and strong feelings on both sides of the issue.

The law is very clear that when students marry they may drop out of school if they want to do so. They may drop out even if they are below the compulsory school attendance age.[39] On the other hand, if a married student wishes to remain in school, her or his right to do so has consistently been upheld.[40] However, there are times when school officials allow married students to remain in school but don't let them participate in activities at the school outside the classroom. For example, in some schools married students may not participate in sports or club meetings or other school functions.

In some cases the courts have ruled in favor of letting married students take part in sports and other extracurricular activities, but the law on this subject is not settled yet.[41] It appears that the trend will be toward allowing married students to participate in all school activities equally with the single students. Many courts have started to realize that extracurricular activities are a very important part of the total school program[42] and to deny students the right to participate in these activities denies them full participation in the educational process.

Sometimes students are transferred or at least encouraged to transfer to adult classes, usually at night and at a different location. If married students disrupt the other students or conduct themselves while at school in such a way as to affect the morality of the other students, then courts have held that they can be transferred to adult classes.[43]

In the case of Elena, which was presented in the introduction to this section, a court ruled that a pregnant, unmarried teenager *could* remain in school. The reasoning for this decision is that "the right to receive a public school education is a basic personal right or liberty."[44] The court required that the school officials justify their rule that an unmarried, pregnant student must leave school immediately. The school officials said the reason for this rule was to prevent the other students from thinking that the school approved of premarital relations. The court disagreed and said that the rule should be changed.

The cases in this area are very few because in the past pregnant students usually left school on their own. However, now we may see a change in this trend. If the student wishes to remain in school, and "if the student is comfortable in class despite her pregnancy, the school should have no valid complaint that she may not be capable of all the physical activities her classmates can perform."[45]

Thus, in the case of a pregnant student, any rule forcing her to leave school must be justified and mere fear of moral contamination is not enough. The school officials must show that the educational process is being disrupted by her presence.

Student Records

Maggie is placed in a class for slow readers. Her parents think that Maggie should not be in that class and ask to see her scores on the standardized tests given all students at the beginning of the year. The counselor denies this request and informs them that release of the scores is against school policy. What can Maggie's parents do?

Test scores are only one kind of record that are kept by schools on students. Most schools keep background information on students, grades, promotions, teachers' comments about discipline and performance, counselors' comments, intelligence and achievement test scores, and medical and psychological testing or services received.

These records are important because they affect the student's life. They serve to label a student all through school and even when the student goes on to college or looks for a job. Requests for recommendations come to the school and the officials go to the student's file. If there is a mistake in the file, then the student may be damaged by something he or she was not responsible for. To prevent this, it is a good idea for parents periodically to review their children's files.

Because in the past students and parents have not generally had access to school records, school officials may at first hesitate to release these records to the parents. Another problem may be that, since the teachers' and counselors' comments on the students were written at a time when these permanent record cards or files were not readily available to parents, some of the statements made by teachers and other school personnel could be embarrassing.

A new law was passed in this area in 1974 entitled the Family Educational Rights and Privacy Act of 1974.[46] This law says that no Federal funds may be given to any school that denies the parents of students the right to see and review their children's school records.

The Law Says:

> **"No funds shall be made available under any applicable program to any State or local educational agency, any institution of higher education, any community college, any school, agency offering a preschool program, or any other educational institution which has a policy of denying, or which effectively prevents, the parents of students***the right to inspect and review any and all official records, files, and data directly related to their children***."[47]**

Some types of records are not available to parents and students. These are the records that are kept by teachers or administrators which they keep in their sole possession and don't show to anyone.[48] This, of course, doesn't include all the records kept in the school offices, which teachers and counselors can see anytime they want.

Also, now there are stronger limitations on the release of school records by school officials to people who are not the parents of the student. A school that has a practice of releasing information other than directory information (such as name, address, birthdate, etc.) without the written consent of the parents cannot be given Federal funds. Some exceptions to this law are schools where the student is seeking to enroll and some State and Federal agencies.[49]

This new law may bring many changes. Now that parents can review the records, some may find statements that are not correct, or items that they feel are damaging to their child and that they want taken out. Parents must be given an opportunity by school officials to state their objection to what is in their child's record. The regulations pertaining to the hearing are to be administered by the Secretary of HEW. Parents can correct inaccurate records, and if an item is misleading, they can include in the file *a written statement* by the parents explaining items in the records they believe to be misleading.[50]

The Secretary of HEW is responsible for investigating violations of this new law and for receiving and processing complaints filed with HEW alleging violations of this act.[51]

In the case of Maggie, her parents should certainly have access to her test scores. If this information is not released, then a complaint should be filed with HEW. See chapter 6.

School Counselors

Nancy is a Mexican American who is about to enter the ninth grade. As this is going to be her first year in high school, she wants to take the courses necessary for her to go to college when she graduates from high school. She goes to see her counselor and tells him that she wants to be a doctor. The counselor, Mr. James, advises her *that medicine is too difficult a career and that she would be better off studying to be a medical secretary. He proceeds to sign her up for typing and shorthand. What can Nancy do? What can her parents do?*

The parents of a student have a definite interest in that child's education and academic development. Unfortunately, in the past, participation in the schools by parents of minority children has been very limited. Perhaps one reason for this situation was that parents were not aware in the past that they had a *right* and indeed a duty to visit the schools to observe first hand what their child was being taught. Most schools require that permission be obtained from the principal before going to the classroom. This is a rule necessary to protect the students from unauthorized persons' walking into the classroom off the street. Permission is usually granted informally and quickly by the principal or other school officials.

In addition to observing the class or reviewing the materials being used to teach the class, a parent may wish to have a talk with one of the teachers, the counselor, or the principal. These are called conferences and are usually arranged ahead of time. At this conference, anything related to the education of the child can be discussed. At this time, parents may also want to request to see the student's school work, grades, scores on standardized[52] tests that have been given by the school, and any other records available on their child.

A conference with a school counselor is very important, especially for the parents of minority children. Some counselors have fixed or stereotypic ideas about minority students and think they are all the same. The counselors then advise minority students on the basis of these stereotypes.[53] For example, because Mexican Americans in the past have not enjoyed equal educational opportunity, as a group they have tended to finish school in fewer numbers than Anglo students. This knowledge could influence a counselor to discourage a Mexican American student from taking the required courses to go to college because the counselor feels that, since the student is a Mexican American, he or she will not make it. This can be very damaging, since the counselor may advise a student against enrolling in a certain class because he or she believes it would be too difficult for the student to complete the class successfully. If this advice is based on the stereotype that the counselor has of minority students, then this could be doing a serious injustice to the student.

Even more grave is the advice counselors give on following an academic course of study leading to college or pursuing a vocational career. Vocational training prepares students to work when they graduate from high school by teaching them a saleable skill. Such courses include auto mechanics, refrigeration, printing, data processing, and cosmetology. The counselor's advice can be a problem if the student is interested in going to college but is discouraged from doing so because of the stereotype the counselor has of the student.

Ideally, counselors should consider all information gathered in conferences with the student, the parents, the school teachers, and administrators. In practice, counselors are too busy to give the personalized attention required to do an adequate job of advising pupils on academic and occupational choices.

In advising students on their academic careers, counselors often find themselves forced to rely heavily on intelligence and standardized achievement test scores. Very often these counselors know full well that such tests do not present an accurate picture of the minority students' actual intelligence and abilities.[54] The result of this is that minority students are overrepresented in vocational courses.

It is for this reason that parental involvement is necessary to achieve their full potential. In Nancy's case, her parents should definitely ask to discuss this matter with the counselor so that they can be involved in this very important decision that will affect the future of their daughter greatly.

Ability Grouping

Lambert is a very intelligent boy, but he has had a difficult time learning to read. He was placed in a slow class because he didn't read very well in the second grade. By the third grade, he has learned to read well but is still in a slow class. Can anything be done?

The idea of placing students in slow and fast classes is not new. It is being done in most schools in the United States.[55] The system is usually called "ability grouping" or "tracking." The whole idea is to classify or separate students according to how smart they are or how fast they achieve in school. Usually this grouping is done without informing the parents or getting their permission. Often, even the students aren't told which class they are in. When the students discover this information for themselves, it is usually too late.

How do school officials decide who is smart and who isn't? Well, the classification is usually based on written group tests that measure intelligence and/or aptitude. Sometimes the teachers' evaluations are also used in making this decision.

Normally, this would be a good way to classify the students, except that these group or standardized tests do not really measure the intelligence of children who speak a different language or have a different culture. This is sometimes called "cultural bias," which means that the test was made up with the idea of testing the intelligence of middle-class, Anglo children. Mexican American and other minority children are different, and their vocabulary and experiences are different. Thus, they tend to get lower scores on these intelligence tests.

For example, Anglo children might be tested on the meaning of "charro," "patio," and "sombrero," which are better known to Mexican American children. Of course, Anglos would score lower because the questions are about things that are more familiar to Mexican American children.

It is obvious that minority children are not less intelligent, but that the tests that are being given to them are unfair because the tests favor one group—the middle-class Anglo.

Because minority children tend to score lower on these types of tests, their chances of being placed in a slow group are increased.

A leading Federal court case[56] in discussing this issue stated: "***rather than being classified according to ability to learn, these students are in reality being classified according to their socio-economic or racial status***."[57]

Now that we've seen how students are classified, how can we recognize ability grouping or tracking? Ability grouping is very simple to identify. It usually begins very early in a child's life. As early as the first or second grade, children are usually separated into different reading groups. Children will often comment that they are with the group called the Tigers, or the Bluebirds, or some other name. This is the beginning of ability grouping.

Gradually, the children stay in the same groups for most of the required courses. Some schools mix all students only in physical education classes (P.E.), vocational courses, or those courses that students elect to take and are not specifically required for graduation, such as music and art.

Another problem with this system is that once a student is placed in a group, it is very difficult to transfer out of that group. While most school districts insist that they have a very flexible system and that the differences in ability and achievement of each student for each of the classes are considered, in reality there is very little movement from the slow or fast classes once the students are placed.

This presents the problem of the "locked-in" student. Students may be locked into these classes and not be given the opportunity to learn from children of different abilities, cultures, and experiences. There may also be psychological damage done to a child in a slow class because other children may label her or him as dumb and make fun of the student.[58]

Perhaps the greatest danger is that the teachers with the slow classes may think that their students are dumb, and, thus, they will not expect them to accomplish very much. The students will sense this and begin to believe that they are dumb and do only the type of work that is expected and not reach their full potential. Some courts have called this "the self-fulfilling prophecy."[59]

This classification even affects students after they leave high school. Counselors and teachers often feel that students in the slower classes are not college material and, therefore, may consciously or unconsciously direct them toward vocational schools or advise them to get a job.

Since a larger number of Mexican Americans and other minorities are found in these slower classes because of the tests used, it would seem to follow that more minorities would be geared toward a vocational course of study.

Thus, a child's life is being decided when that student is placed in the fast or slow reading class in the first or second grade. It should be remembered that: "It is counselors, and not students, who frequently make these decisions, (vocational or college) by matching school offerings to their own estimates of each student's ability and potential."[60]

In some cases, courts have ruled that ability grouping, as practiced in those particular school districts, was a denial of equal educational opportunity for minorities and the poor.[61]

In the case of Lambert, his parents should take this placement in a slow class very seriously and talk to the teacher and the counselor to see that Lambert's best interests are being served. Even if he is placed in a slow class for a year, there should be periodic reviews of his status to see whether he is ready to transfer out. Remember also that decisions of school officials can be appealed.

The Educable Mentally Retarded

Marta is a child of normal intelligence but has difficulty with the English language. She is tested for intelligence by being given an IQ test in English. She scores very low and is placed in a special education program called EMR. Is this good for Marta or has an injustice been done to her?

Marta is not alone; "there are an estimated seven million children with mental, physical, emotional or learning handicaps that***necessitate special education services."[62]

The most common programs of special education in the public schools are the classes for the "educable mentally retarded"(EMR). EMR classes are for students who are slow and whose intelligence is below normal. The material taught in these classes is easier than that taught in the regular classes. For example, two students can be in the fourth grade; but, if one is in an EMR class, then that student is usually not being taught the same material and is not learning the same things as the other fourth grader. This is why it is very important that parents find out if their child is in an EMR class.

Schools usually decide which students will be placed in EMR classes by looking at intelligence (IQ) test scores and recommendations of teachers. The problem with using intelligence tests to choose the slower students is that these tests measure the students' ability to read and understand English instead of really measuring intelligence.[63] A child who speaks a different language will be more likely to get a lower score than a child who speaks only English.

As a direct result of this use of intelligence tests, there is a great overrepresentation of Mexican American and black students in EMR classes. About 60 to 80 percent of those enrolled in EMR classes are from the following groups where standard English may not be spoken at home: Mexican Americans, blacks, Puerto Ricans, and American Indians.[64]

In the past, teachers and school officials argued that EMR classes were good for slower students because they were allowed to proceed at their own speed and were not discouraged by being in classes with smarter children. Research simply does not support this belief that educators have held for so long.[65]

As a matter of fact, "From the studies cited, there is almost universal agreement that the mentally handicapped children enrolled in special classes achieve, academically, significantly *less* than similar children in the regular grades."[66]

Thus, the benefits that these children get from being placed in EMR classes are at best uncertain while the disadvantages are many. When children are placed in an EMR class, they are automatically labeled as slow learners at the school, and their school records reflect this classification. This has to be taken into consideration because the grades a child makes in an EMR class are not interpreted the same as grades made in regular classes. Two children can make straight *A's;* but, if one is in an EMR class, that *A* grade is inferior to an *A* achieved in a regular class.

There is also a danger that students may begin to feel that they are dumb and lose interest in school. A real tragedy is that many minority children are simply mislabeled because of their difficulty in comprehending the language that the intelligence tests measure. Some of these children should never have been placed in EMR classes, and the bad effects on their lives of this one mistake are many and often last a lifetime.

Courts are beginning to realize the importance of intelligence tests and placement in EMR classes. In one leading case, the court ordered that no black students could be placed in EMR classes on the basis of intelligence tests if there was a racial imbalance in the composition of the EMR classes.[67]

In the case of Marta, her parents should definitely check into her placement in an EMR class for the reasons already discussed. Also, other parents should find out whether their children are in EMR classes because *it makes a big difference.*

Bilingual Education

Juan enters school without being able to speak English. He is placed in a class where the teacher speaks only English and everything is taught in English. Does Juan have a right to an education in a language he can understand?

Yes, children who come from a home where a language other than English is spoken do have a right to an education in a language they can understand. This method of teaching is usually called "bilingual education." Bilingual education simply means that a child who speaks little or no English starts learning in the language the student knows best.[68] For children who speak only Spanish when they enter the first grade, this would mean that the children begin their education with lessons being taught in Spanish. The instruction in English would be gradually increased until the children learn both languages. The students are taught arithmetic, history, reading, and all other subjects in both languages. Thus, bilingual education is different from merely teaching students English.

This method of instruction is important because more than 5 million schoolage children in the United States come from homes where the family doesn't speak English most of the time.[69] This presents a problem in terms of assuring that students with a limited ability to speak English are getting the full benefit from the lessons that they are taught. In the past, minority children have not done as well in school as Anglo children because they have not been taught by building on the language they already knew when they entered school. Even in the 1970s the U.S. Commission on Civil Rights found:

> *Without exception, minority students achieve at a lower rate than Anglos:* their school holding power is lower; their reading achievement is poorer; their repetition of grades is more frequent; their overageness is more prevalent; and they participate in extracurricular activities to a lesser degree than their Anglo counterparts.[70]

Courts have begun to realize the seriousness of this problem, and in 1974 a major breakthrough occurred when the U.S. Supreme Court ruled on the case called *Lau v. Nichols.*[71] The Court agreed that students who do not understand English and are taught in English are not getting an education equal to that of other children. The Court said: "***there is no equality of treatment merely by providing students with the same facilities, text books, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education."[72]

The Court found that special assistance must be given to these students. This decision is very significant because it assures non-English-speaking students of being given help to overcome a language deficiency in English. In most cases, this will probably be through bilingual education.

HEW has issued guidelines supporting special assistance for non-English-speaking children. These say in part:

> Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, *the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.*[73]

The Congress of the United States has taken a favorable position on bilingual education. In 1974, it passed the Bilingual Education Act.[74] This act makes Federal money available for programs to help children who don't speak much English. The grants of money made under this act may be used for the establishment, operation, and improvement of bilingual education programs; for community educational activities designed to facilitate and expand the bilingual programs; for establishment, operation, and improvement of training programs for personnel involved in the program; and for technical assistance for planning and developing these bilingual programs.[75]

Nationally, there is an Advisory Council on Bilingual Education.[76] This council is made up of 15 people appointed by the Secretary of HEW. At least eight of the members must be experienced in dealing with educational problems of children and other persons who have a limited English-speaking ability. At least three members must be experienced in the training of teachers in bilingual education, and at least two are to be classroom teachers. Members should be representative of the persons of limited English-speaking ability and of the area where they live.[77]

The law is clear that children, like Juan in the introduction, are entitled to an education in a language they can understand. Parents have every right to demand this from their school districts.

Title I, Elementary and Secondary Education Act

Billie and James go to a school where most of the kids are very poor. Are there any special kind of funds available for low-income school children?

Yes, the Congress of the United States has realized that children of low-income families have special educational needs. The Congress has, therefore, provided Federal money to help school districts *expand* and *improve* their educational programs to help meet the special needs of these children.[78] This action by Congress resulted in the 1965 Elementary and Secondary Education Act.[79] This act is commonly called "Title I" or "ESEA."

Federal money under Title I is given to school districts that have *at least* 10 poor children in the district.[80] The only limitation placed on this money is that it be used to expand and improve educational programs already in existence at the schools.[81] A district must use this money to *supplement* the educational program already provided to the students, and not to *supplant* those programs already in effect.[82] This simply means that if a school already offers a reading class for second graders, it cannot use Title I money to pay for the teacher's salary. The reason for this is that the teacher was already being paid by the district and to pay him or her out of Title I funds would be illegal, as it would *supplant* or take the place of money already being spent by the school district on a program. This would not give the children any more benefits than they were receiving before getting Title I funds. However, the district can certainly *supplement* the reading program by buying additional books, supplies, or even hiring an additional teacher to assist the one already hired by the district.

School officials can decide how the money is to be spent as long as the funds are used to assist children in poor communities by offering services and programs. Some States provide clothing, transportation, teachers' aides, additional classroom teachers, medical and dental care, nutrition programs, special classes, etc.

To assure that these programs are effective, local school districts have certain responsibilities under Title I guidelines. These include:

Districts Must:

1. Identify the educationally deprived children in low-income areas of the school district and determine their special needs.

2. Select eligible attendance areas.

3. From these project areas, design and implement projects, in accordance with Title I regulations and program guides, to meet the educational needs of children.

4. Coordinate Title I with other compensatory education projects in the school district.

5. Submit an application to the State education agency.

6. Maintain fiscal records with respect to total current expenditures in project areas, being sure they are comparable to nonproject areas.

7. Involve parents in the planning, operation, and evaluation of the Title I program.

8. Maintain fiscal records of all Title I money spent and report to the State on the use of these funds.

9. Make information on Title I projects available to parents and the public.

10. Evaluate the local Title I program.[83]

The State education agency is also involved in the operation of Title I, and it also has specific duties that it must perform.

State Must:

1. Administer the statewide Title I program.

2. Apply for funds, plan, operate, and evaluate statewide Title I programs for migrant children, children in State institutions for the neglected or delinquent, and handicapped children.

3. Apply for incentive grants if eligible.

4. Approve or reject local Title I applications on the basis of their following Title I regulations.

5. Divide basic Title I grant money among local school districts.

6. Assist local school officials in the development of Title I projects.

7. Monitor local Title I projects.

8. Submit assurances to the Office of Education that Title I regulations are being followed in the State.

9. Maintain fiscal records of all grant funds.

10. Compile reports as needed, based on information gathered from local school districts, to submit to the U.S. Office of Education.

11. Investigate complaints about local Title I activities and report back to the complainant.[84]

The Federal Government requires that at least once a year each program must evaluate its effectiveness in meeting the special educational needs of these educationally deprived children.[85] Unfortunately, there aren't any standards to measure the effectiveness of these programs. Thus, a school's eligibility to continue to receive these Federal funds is based on the number of low-income children who reside in the district and not on how good the program was or how much the children improved in their school work.[86]

For this reason involvement of parents is essential to assure that the programs offered are actually going to benefit the children and are not developed solely to "look good on paper."

Parents are in a very good position with regard to Title I because the law requires that the application made by a school district for Title I funds must be made available to the parents and the general public. This includes all documents that relate to the application and the annual reports on Title I submitted by the school districts to the State education agency.[87]

Additionally, each school district receiving Title I monies is required to set up a Parent Advisory Council to assist in planning, implementing, and evaluating Title I programs.

The Federal Government has realized the importance of letting the parents of the children to be served by the Title I projects have a say and has passed rules and regulations to assure parental participation at the local level.[88] According to these rules, before the school district submits an application for Title I funds, it must establish an advisory council and more than 50 percent of the council's members must be parents of children living in the area to be served by the project.[89] This means that, if the advisory council has 10 members, then at least 6 must be parents of the children who are to receive the benefit of those Title I programs. The school district must also submit information to the State education agency to demonstrate that the school district has complied with the following:

Advisory Council

1. Parents have been selected to serve on the advisory council who are representative of the children and the attendance area to be served by the Title I program.

2. The information needed by members of the council has been provided to them to assure their effective involvement in planning, development, operation, and evaluation of the projects.

3. The council has been provided with plans for future projects and projected dates for the beginning of each project.

4. The council has had sufficient time and opportunity to consider the information provided to them.

5. The parent council has had an opportunity to review evaluations of prior Title I programs and they have received some instruction as to what criteria should be used to evaluate such programs.

6. Each program includes specific provisions for informing and consulting with parents concerning the Title I services to be provided.

7. The school district has adequate procedures to ensure prompt response to complaints and suggestions from parents and parent councils.

8. Parents and the parent council have been given an opportunity to present their views on the Title I application.[90]

In each Title I application that the school district submits it must describe how parents of the children to benefit from the Title I program were consulted and how they were involved in planning the project and detail the specific plans of the district for continuing involvement of the parents.[91]

The importance of having parents involved and aware of how Title I funds are being spent and the effectiveness of the programs cannot be overemphasized.

Federal Programs and Discrimination

Susan is a Mexican American high school student. She notices that there are no Mexican American teachers and she thinks this denies her the full benefit of the educational program. She feels that she doesn't have any teacher aware of her culture and her language and her special needs. Can she do anything about this situation?

Yes. Mexican American or minority teachers who think they were not hired by school districts because of their race or ethnic origin must themselves file complaints with the Equal Employment Opportunity Commission (see chapter 6), but students can also take some action.

Title VI of the Civil Rights Act of 1964 requires that there be no discrimination in Federal programs by providing that no person on the basis of race, color, or national origin may be denied an equal opportunity to participate in and *benefit from* programs receiving Federal financial assistance.[92] The Department of Health, Education, and Welfare is responsible for monitoring Title VI compliance in education.[93] HEW requires that all schools which have applied for Federal funds, and thus have made a commitment that they will comply with Title VI, submit periodic reports entitled "Elementary and Secondary School Civil Rights Survey." These reports are submitted to HEW by October 15 of every year and include data on the racial and ethnic breakdown of each school's student enrollment.[94] In addition, HEW does onsite reviews, to assure compliance, of those schools that have signed assurances of compliance.

Beyond the routine collection of data, deficiencies in the reports submitted by the schools and individual complaints against programs are investigated. The main objective is to achieve compliance informally; however, when voluntary compliance is not possible and conciliatory efforts fail, formal proceedings may be started. Formal procedures begin with notice to the institution of the proposed action and of the school's right to request an administrative hearing. The sanction available to HEW is the termination of Federal aid to the institution.[95] Title VI not only authorizes the cut-off of Federal financial assistance, but also the refusal to fund a program that is found to be in noncompliance. Title VI is of special relevance, as federally-funded programs are prevalent on school campuses throughout the country.

HEW has issued policy statements on several areas of concern regarding compliance with Title VI. The following requirements are necessary under Title VI:

Non-English Speakers

1. Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.

Placement

2. School districts must not assign national origin-minority group students to classes for the mentally retarded on the basis of criteria that essentially measure or evaluate English language skills, nor may school districts deny national origin-minority group children access to college preparatory courses on a basis directly related to the failure of the school system to teach English language skills.

Ability Grouping

3. Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin-minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational dead end or permanent track.

Notice

4. School districts have the responsibility to notify adequately national origin-minority group parents of school activities that are called to the attention of other parents. Such notice, in order to be adequate, may have to be provided in a language other than English.[96]

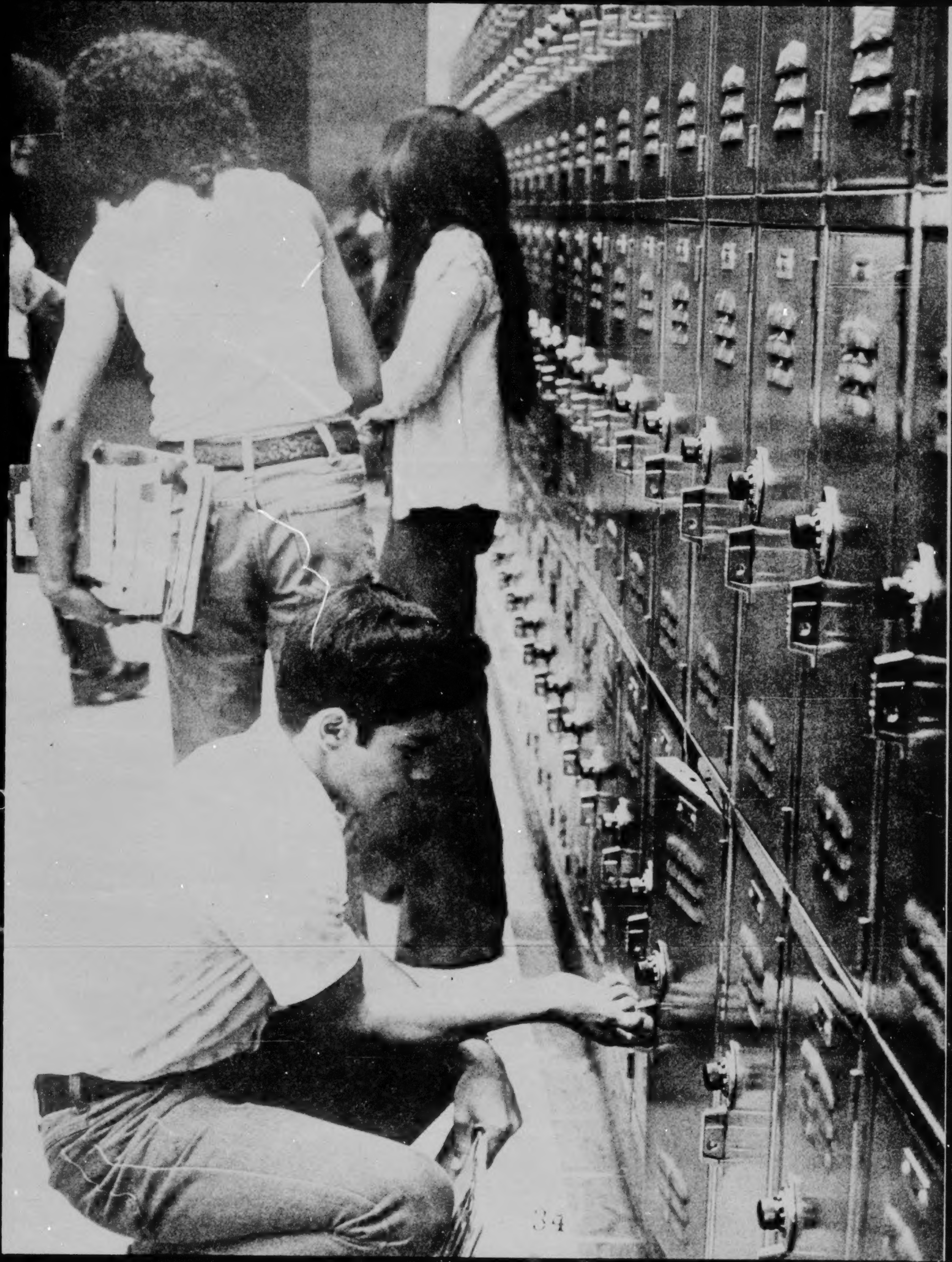
Additional protection against discrimination is provided by Title IX of the Education Amendments of 1972, which provides that, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.[97]

Title IX complements Title VI of the Civil Rights Act of 1964 by prohibiting sex discrimination in all aspects of a school's operation. HEW also administers Title IX, and the sanctions available are the same.

Free Lunch Program

Alfredo's mother wants to find out whether the school Alfredo will be attending has a free lunch program. Where can she get this information?

The fastest way to obtain this information is by calling the school district office and asking them. Not all schools have the free lunch program, although Federal funds are available for such programs.



The U.S. Congress has established a policy of providing assistance to States for the establishment, maintenance, operation, and expansion of nonprofit, school lunch programs.[98] The procedure necessary for a State to be included in this Federal program is handled by the State education agency. Before January 1 of each year, the State education agency must submit to the U.S. Secretary of Agriculture a plan on the child nutrition program the State proposes to use in the following fiscal year.[99] The Secretary of Agriculture must approve this plan before Federal assistance may be received.

Also, every month, each school district participating in the program must report to the State education agency the average number of children who received free lunches and those who received lunches at a reduced price the preceding month. The State education agency, in turn, provides this information to the Secretary of Agriculture.[100]

The availability of Federal assistance for school lunch programs should be of special interest to parents of needy children who go to a school that does not participate in this program. Inclusion in this program is not automatic; the State education agency must request this assistance. Interested parents should petition the school board, which in turn requests that the State education agency seek to obtain Federal funds for a school lunch program.

If there are needy children within a school district, then this certainly would be a worthwhile project.

Freedom of Information Act

Mrs. Yazzie wants to find out how many dropouts there were at her child's school district in 1975. She knows HEW has this information. Can she obtain this information from HEW? How?

The Freedom of Information Act[101] applies to all Federal agencies. It basically says that the records of the different Federal agencies should be available to the public, with some exceptions that are necessary. For example, you can request from HEW the number of dropouts in your school district under the Freedom of Information Act, and it will have to make it available to you. You have to comply with the regulations that the different agencies have set up as regards time, place, and fee schedules that must be followed in making a *Freedom of Information request*.

Any Federal agency that gets a request for information has 10 days to determine whether the information will be made available to the person requesting it. If it decides to give out the information, that is the end of it. However, if it decides *not* to give you the information, then you must be notified of your right to appeal to the director of the agency, who will be in Washington, D.C. This appeal to the director of the agency must be decided within 20 days after the appeal is received. If the decision at the Washington level is against giving out the information, then the agency must notify you that you can seek a review of the matter by the proper court. The district court having jurisdiction may prohibit the agency from withholding agency records and order the production of any agency records improperly withheld. When the court orders that these be produced and assesses costs against the Government and also issues a written finding that raises the question as to whether agency personnel acted arbitrarily or capriciously with regard to the withholding, the Civil Service Commission will initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who was primarily responsible. The court may also sanction the responsible employee for contempt.

The only records that are *not* available to the public are those that deal with the following matters:

1. those specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

2. those related solely to the internal personnel rules and practices of an agency;

3. those specifically exempted from disclosure by statute;

4. trade secrets and commercial or financial information obtained from a person and privileged or confidential;

5. interagency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency;

6. personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

7. investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency;

8. those contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

9. geological and geophysical information and data, including maps, concerning wells.

Thus any records other than those exceptions mentioned above are available to the general public and can be obtained by following the agency guidelines as to time and place to request them. Also a fee may be assessed for finding and copying the records and so on. Some States also have State freedom of information laws that apply to the school districts (see chapter 5 on State laws).

Notes to Chapter 2

1. Cf. Henkin, On Drawing Lines, 82 Harv. L. Rev. 63, 80 (1968).

2. Tinker et al. v. Des Moines independent Community School District et al., 393 U.S. 503, 513 (1969).

3. Scouille v. Board of Education of Joliet Township, 425 F.2d 10 (7th Cir. 1970); Eisner v. Stamford Board of Education, 440 F.2d 803 (2d Cir. 1971); Quarterman v. Byrd, 453 F.2d 54 (4th Cir. 1971); Shanley v. Northeast Independent School District, 462 F.2d 960 (5th Cir. 1972).

4. West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943).

5. Banks v. Board of Public Instruction of Dade County, 314 F. Supp. 285 (S. D. Fa., 1970).

6. People v. Overton, 20 N.Y. 2nd 360, 283 N.Y.S. 2d 22, 229 N.E. 2d 596 (1967).

7. State v. Stein, 203 Kan. 638 (1969).

8. See generally Mapp v. Ohio, 367 U.S. 643, 81 S.Ct. 1684 (1961).

9. Goss v. Lopez, 419 U.S. 565 (1975).

10. Sullivan v. Houston I.S.D., 307 F. Supp. 1328, 1346 (S.D. Tex. 1969).

11. Dixon v. Alabama State Board of Education, 294 F.2d 150, 158 (5th Cir. 1961) and Wasson v. Trowbridge, 382 F.2d 807, 812 (2nd Cir. 1967).

12. Sullivan v. Houston I.S.D., *supra* at 1346.

13. Jones v. State Board of Education, 279 F. Supp. 190, 197 (M. D. Tenn. 1968).

14. Sullivan v. Houston I.S.D., *supra* at 1343.

15. General Order on Judicial Standards of Procedure and Substance in Review of Student Discipline in Tax Supported Institutions of Higher Education, 45 F.R.D. 153, 147 (1968).

16. Sullivan v. Houston I.S.D., *supra* at 1346.

17. Knight v. State Board of Education, 200 F. Supp. 174, 178 (M. D. Tenn. 1961).

18. Zanders v. Louisiana State Board of Education, 281 F. Supp. 747, 752 (W. D. La. 1968); Marzette v. McPhee, 294 F. Supp. 562, 567 (W. D. Wis. 1968).

19. *Id.*

20. Jones v. State Board of Education, 279 F. Supp. 190, 200 (M. D. Tenn. 1968).

21. Marzette v. McPhee, *supra*.

22. Zanders v. Louisiana State Board of Education, 281 F. Supp. 747, 768 (W. D. La. 1968).

23. Buttny v. Smiley, 281 F. Supp. 280, 287 (D. Colo. 1968).

24. Mills v. Board of Education of the District of Columbia, 348 F. Supp. 866 (D. D. C. 1972).

25. Keyes v. School District No. 1, Denver, Colo., 413 U.S. 189, 93 S. Ct. 2686 (1973).

26. *Id.* at 198–205.

27. The United States is divided into 11 judicial circuits in each of which there is established a court of appeals known as the United States Court of Appeals for the circuit. 28 U.S.C. §§41, 43 (1970).

28. Ferrell v. Dallas I.S.D., 392 F.2d 697 (5th Cir. 1968); Stevenson v. Board of Education, 426 F.2d 1154 (5th Cir. 1970); cert. denied, 400 U.S. 957 (1970).

29. King v. Saddleback, 445 F.2d 932 (9th Cir. 1971).

30. *Id.*

31. Freeman v. Flake, 448 F.2d 258 (10th Cir. 1971).

32. *Id.*

33. 40 Fed. Reg. 24141 (1975).

34. Paulina Jacobo, attorney, Office of General Counsel, HEW, telephone interview, Sept. 10, 1975. For a recent State court decision see Mercer v. Bd. of Trustees, North Forest Independent School District, No. 1302 (Tex. C.C.A., June 2, 1976).

35. M. Remmlein and M. Ware, School Law, p. 303 (1970).

36. City of Macomb v. Gould, 104 Ill. App. 2d 361, 244 N. E. 2d 634 (1969).

37. Glasser v. Marietta, 351 F. Supp. 555 (W. D. Pa. 1972).

38. Baker v. Owen, pact. No. 75–279 (affirmed, U.S. Sup. Ct. Oct. 20, 1975).

39. In re Rogers, 234 N.Y.S. 2d 1972 (1962).

40. 63 ALR 1161 (1929); 11 ALR 3d 900 (1967); see also McLeod v. State ex rel Colmer, 154 Miss 468, 122 SO 737 (1929); Alvin I.S.D. v. Cooper, 404 SW 2d 76 (Tex. Civ. App. 1966).

41. Davis v. Meek, 344 F. Supp. 298 (N. D. Ohio, May 5, 1972); Holt v. Shelton, Civil No. 833 (M. D. Tenn., Apr. 21, 1972); Romana v. Crenshaw, Civil No. 71–H–1264 (S. D. Tex., Jan. 31, 1972) (Order); Willsand v. Valparaiso Community Schools Corp., No. 71–H–122(2) (N. D. Ind., Sept. 1, 1971); Johnson v. Board of Edu., Civil No. 172–70 (D. N. J., Apr. 17, 1970).

42. Davis v. Meek, *supra* at 301.

43. High Schools, Marriage and the Fourteenth Amend., 11 J. Fam. L. 711, 725 (1972).

44. Ordway v. Hargraves, 323 F. Supp. 1155, 1158 (D. Mass. 1971); see also Perry v. Grenada Municipal Separate School District, 300 F. Supp. 748 (N. D. Miss., 1969).

45. "Marriage, Pregnancy, and the Right to go to School," 50 Tex. L. Rev. 1196, 1216 (1972).

46. 20 U.S.C.A. §1232 g *et seq.* (Cum. Supp. 1975).

47. *Id.* §1232 g (a)(1).

48. *Id.*

49. *Id.* §1232 g (b)(1).

50. *Id.* §1232 g (a)(2).

51. *Id.* §1232 g (g).

52. A test given to a group of students to see how they compare with children of the same age.

53. American School Counselor Assn., *Statement of Policy*, p. 6.

54. U.S., Commission on Civil Rights, *Toward Quality Education for Mexican Americans* (1974), p. 44.

55. A 1958–59 survey by the National Education Association reported that, among school districts with more than 2,500 pupils, 77.6 percent grouped by ability in the primary grades and 90.5 percent utilized ability grouping in secondary schools. A similar pattern was reported 7 years later. National Education Association, *Ability Grouping* (1968), pp. 12, 15–17.

56. Hobson v. Hansen 269 F. Supp. 401 (D.D.C. 1967).

57. *Id.* at 514.

58. Williams, "Does Grouping Affect Motivation?" *Elementary School Journal*, vol. 73 (December 1972), p. 131.

59. Ibid., p. 491.

60. David L. Kirp and Mark G. Yodof, *Educational Policy and The Law*, chap. 7, "Equal Educational Opportunity and Student Classification," p. 645.

61. Ibid., p. 443.

62. State-Federal Clearinghouse for Exceptional Children, Summary Statistics Children (1972), cited in Weintraub and Abeson, Appropriate Education for All Handicapped Children: A Growing Issue, 23 Syracuse L. Rev. 1037 (1972).

63. U.S., Commission on Civil Rights, *Toward Quality Education for Mexican Americans* (1974), p. 23.

64. Segregation of Poor and Minority Children into Classes for the Mentally Retarded by the Use of I.Q. Tests, 71 Mich. L. Rev. 1212 (1973).

65. 29 Exceptional Children, 66–67 (1962–63).

66. Ibid.

67. P. v. Riles, 343 F. Supp. 1306 (N. D. Calif. 1972); See also Moses v. Washington Parish School Board, 330 F. Supp. 1340 (E. D. La., 1970); and Hobson v. Hansen, *supra* (1971).

68. *Wall Street Journal*, Dec. 15, 1975, p. 1, col. 1.

69. U.S., Department of Health, Education, and Welfare, Office of Education, Draft: Five Year Plan 1972–77: Bilingual Education Programs, App. B (Aug. 24, 1971).

70. U.S., Commission on Civil Rights, *The Unfinished Education* (1971), p. 41.

71. 414 U.S. 563 (1974).

72. *Id.* at 566.

73. HEW Memorandum of May 25, 1970; 35 Fed. Reg. 11595 (1970). (Hereafter cited as HEW Memorandum.)

74. 20 U.S.C.A. §880B *et seq.* (Supp. 1975).

75. 20 U.S.C.A. §880b–7(a)(1)–(4) (Supp., 1975).

76. *Id.*, §880b–11 (a).

77. *Id.*

78. 20 U.S.C. §241(a) (1970).

79. *Id.*, §241(a) *et seq.* (1965).

80. *Id.*, §241(c)(b)(2).

81. *Id.*, §241(a).

82. *Id.*, §241 (e)(a)(3)(B).

83. U.S., Department of Health, Education, and Welfare, *Title I ESEA: How It Works* (1973), p. 35.

84. Ibid., p. 41.

85. "Educationally deprived" means that a student is behind in school or is having a difficult time learning.

86. Sky, Concentration Under Title I of the Elementary and Secondary Education Act: The New Part C. 1 J. Law & Ed. 171, 175 (1972).

87. 20 U.S.C. §241 (e)(a)(8) (1970).

88. 45 C.F.R. §116.17 (N) *et seq.* (1974).

89. *Id.* at §116.17 (o)(2).

90. *Id.* at §116.17 (o)(2)(i)–(viii).

91. *Id.* at §116.17 (o)(2)(i)–(viii).

92. 42 U.S.C. 2000d (1964).

93. U.S., Commission on Civil Rights, *The Federal Civil Rights Enforcement Effort—1974* (1975) vol. III, p. 196.

94. U.S., Commission on Civil Rights, *The Federal Civil Rights Enforcement Effort—A Reassessment* (1973), p. 204.

95. Ibid., p. 192.

96. HEW Memorandum.

97. 20 U.S.C. §1681 (Supp. III, 1973).

98. 42 U.S.C. §1751 (1970).

99. A fiscal year refers to a 12-month period between settlements of financial accounts: the U.S. Government fiscal year legally begins October 1 and ends September 30, as of October 1976.

100. 42 U.S.C.A. §1759 (e)(1) and (2)(Cum. Supp. 1975).

101. 5 U.S.C. §552 (1970).

Chapter 3

How To Influence School Decisions

Remember the education pyramid we discussed in the first chapter? If not, go back to figure 1 and review it because now we are going to discuss how *you influence decisions made* at all levels of the pyramid.

The first thing to remember is that at every level the people responsible have: (1) authority to act within certain limitations and (2) duties and obligations to carry out.

Secondly, remember that you can disagree with what is being done or not being done on grounds that: (1) the authority was exceeded (they did something they cannot legally do), or (2) the duties and obligations are not carried out properly (they are not doing what they are supposed to do).

The officials you challenge can do one of three things: (1) Agree with you, thank you for your interest, and tell you they are going to change. (2) Agree with you and ask you to work with them to change the policy or action. Or, (3) they can disagree and refuse even to consider your concerns. The best response is number 2 and, if they ask you to work with them, you have to be prepared to help.

But what if they don't ask for your help, or if they totally ignore you, or disagree with you? What do you do? Do you give up? Or do you have a plan ready to put into action to make sure your concerns are properly considered and improvements are made. If you want to have a *plan ready for action*, this chapter should help you.

Influencing Decisions

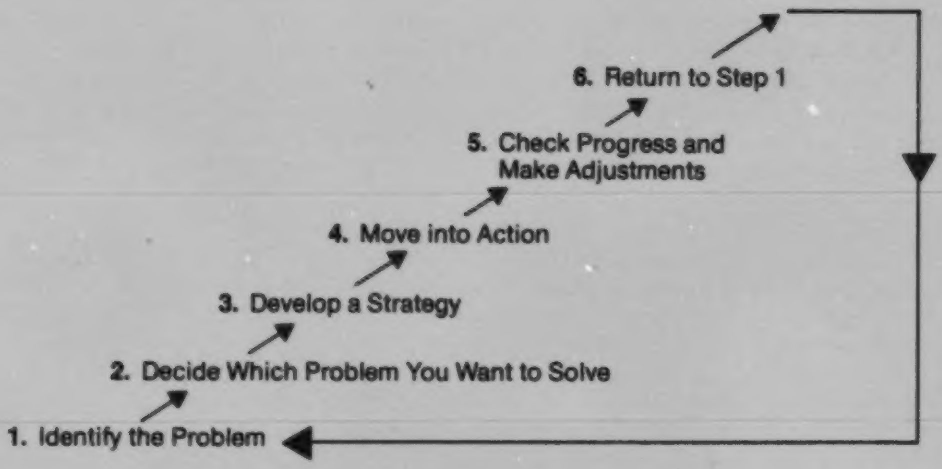
There are six steps you can take to influence decisions made by officials in the education pyramid. Actually, these steps can be used in other areas too, not just education. But the examples we will use here will be limited to education. The six steps are shown in figure 4.

Identify the Problem

For now, let's take a look at one problem, homework. Almost every school handles homework differently. Some have rules set out by

Figure 4

Six Steps for Results



the teachers and the administration, while others leave this procedure strictly up to the teachers. For example, your child in the sixth grade may have homework every night, and you feel that this homework may be too much. Your child, who may have loved school in years past, suddenly hates the thought of each new school day. Should you just close your eyes to this problem? No. First, you may want to go directly to the teacher and find out why there is such an excessive amount of homework. Is the child behind? *What is the problem?*

If you don't get an answer, or if you are not satisfied with the answer you get, then go to the principal. You may want to talk with other parents having children in the same class and take some of them with you to visit the principal. You are now beginning to identify the problem. In other words, you are finding out (1) if there are other children with the same problem; and (2) if there are other parents who are concerned.

This will probably lead you to other *problems*, and you will want to consider them. For example, the teacher may not have enough time to work with your child, or a group of older students may be causing problems by destroying school reading equipment and books. Maybe there is no bilingual-bicultural education program to help your child learn English.

Thus, by starting with one problem (your child's homework), you found many other problems. This leads you then to the next step.

Deciding Which Problems You Want to Attack

When you look into the homework problem and find many other problems, you have to make a decision on which one you want to solve first. Naturally, you would like everything to be straightened out and the whole school system improved, but the questions you must ask yourself are: (1) What is the most important problem? (2) What can be done about it? If your child is not reading at the level he or she should be, and many other children have the same problem, then that may be more important than too much homework. In other words, too much homework might be the *result* of many other problems, including the lack of money to hire enough trained teachers.

When a child has a bruise or cut that becomes infected, a doctor will usually give an antibiotic to clear up the infection. Sometimes, the doctor will also advise that the child's diet should be improved, and that cuts and bruises be kept clean to avoid more infections. The doctor, then, takes care of the immediate problem (the infection) and tells you how to keep it from happening again. Many times when you identify problems at the school, you will have to decide what to do first—take care of the immediate problem (get some agreement on the balance between school and homework)—and then work for changes in school policies to make sure more trained teachers are hired. Sometimes you will have to start with small problems in order to gain experience and strength to solve the major problems.

When you make this decision, you are well on the way to developing a strategy for solving the problem. That is, you have decided what you want to accomplish (objectives) and the order you want to follow (priorities).

Developing a Strategy

Developing a *strategy* means preparing a plan you think will help you accomplish your objectives.

There are 10 basic points to remember in developing your strategy:

1. Know what you want accomplished. (The problems you want to solve, your objectives.)
2. Know who is responsible for making things happen to help you. (Is it the teacher, the principal, the superintendent, school board, or State or Federal officials?)
3. Know what the responsible people think about the problem. If they disagree with you, what is it going to take to get them to change their minds (more facts, public opinion, a large group of people, expert opinions, request from an influential person)?
4. Know who your friends are (who is going to help you) and who your opponents are (who is going to be against you).
5. Figure out how you can get more friends and keep your opponents from stopping you.
6. Know the amount of time it is going to take.
7. When you work with other people, make sure everyone knows what he or she is supposed to do. (Keep everyone informed.)
8. Prepare a couple of choices. In other words,

if one approach doesn't work, figure out other ways you can use to get things done.

9. Don't forget what you want to accomplish (your objectives).

10. Plan to do things that *are possible*; do not try to do the impossible.

Once you have developed your strategy, you are ready for the next step—*action*.

Move Into Action

It is much easier to start taking action when you have planned a strategy. You know what you're going to do, you know with whom you are going to talk, you know to whom you are going to write letters, you know who to go to, you know what reports to prepare. In other words, you're prepared, since you know what you want to accomplish (your objectives) and you know how to get it done (strategy). You should have much more confidence and be much more successful than you would have been by going into something blind, without developing your strategy.

Now go through the various steps you have planned: going to meetings, writing letters, making phone calls, asking for records and files, reading reports, talking to people, and gaining public support.

Check Your Progress and Adjust Your Strategy

After a few days of action take a look at what you're doing and what's happening. Is it what you expected? Is everything going according to the plan? If not, try to figure out why. There is no need to get upset; maybe you just didn't know about some important points when you made your original plans. That's all right; plans are flexible—they help you get organized in what you are doing. However, you can and should make changes in your plans (strategy) when you see the need.

In fact, you should always be checking to see how things are going and making needed adjustments. For example, maybe you had planned to appear before the school board to present your concerns about the lack of trained teachers at the school and the board adjourned the meeting without listening to you because other matters had taken up too much time. If you were rescheduled for the next meeting, you now have more time to do more work gathering information and winning new supporters for your position. When you go to the next board meeting, you will be better prepared.

When you accomplish your objectives, you then take the next major step.

Return to Step 1

In other words, take a look at what has happened. Did you really get the problem solved? Did you really accomplish what you wanted to? Or, are you willing to accept what you accomplished? Is it all that is possible under the circumstances?

You also want to decide if there is some other problem you now want to try to solve. Since you have had success, maybe now you're ready to tackle a harder problem that you didn't think you could handle before. Maybe you have more parents who are interested now, and maybe you are getting more cooperation from the school officials. So now you may want to try to reduce vandalism in and around the school, or perhaps you think the paving, drainage, or sidewalks around the school need to be improved. The thing to remember at this point is that you should go through the six-step process again.

Now that we have discussed the six steps for improving your schools and *influencing* school decisions, let's look at a few other ideas that might be helpful.

More About Strategy

Effect

When you are developing a strategy you should consider the kind of *effect* (results) you want to have. In other words, what kind of decision and action do you want to get? Consider that it is possible to get results that have the following effects:

1. *One-Time Only*—Some results settle only one situation without consideration for the future. For example, the teacher and principal agree to give your child special tutoring for the rest of the school year. No commitments are made for the next year.

2. *One-Time with Precedent*—In some cases, a decision can be made dealing with one situation while setting guidelines to cover similar situations in the future. For example, the principal agrees that your child and others like him or her will get special tutoring as long as they need it, thereby setting a precedent for the future.

3. *Local Changes*—Sometimes decisions are made that only apply to one classroom or one school. For example, the principal agrees to make changes in playground activities. These changes would not apply to other schools.

4. *Changes in Systems*—There are times when decisions are made that apply to the whole district (school system). For example, the board of trustees might change the procedures for suspensions to prevent students from being unfairly kept out of school.

5. *Major Policy Changes*—Some problems are so widespread and difficult that only a major change can resolve them. For example, the State changes the school financing system to try to correct the imbalance of funds that allows some schools to spend much more than others.

When you consider what kind of decision or change you want to accomplish, it is important to consider the time you have, the seriousness of the problem, and the possibility of getting things done. When you make the decisions, remember the following points:

1. The person or organization you deal with must have the power or authority to make the decision or change wanted. For example, don't expect a teacher to change the school board's policy on bilingual education. Do expect to get the teacher's support in your efforts.

2. Certain changes require a lot of time to achieve. For example, don't expect to make major changes in standardized testing policies in one semester. Do expect to stop the use of culturally biased and invalid tests.

3. The easiest change to get is one that can be made by the teacher, counselor, or coach. This is especially true when it affects only one situation or one student.

4. It is sometimes possible to make improvements by causing a series of minor changes that by themselves mean little, but added together have a major effect.

5. Sometimes supporting facts and circumstances do not allow you to seek major changes. It is important, therefore, that you consider the possibilities of success before investing a lot of time, energy, and resources in a losing effort. On the other hand, the problem might be so great and the grievance so fundamental to basic rights that it is important to make the effort for change even against great odds.

The thing to remember is that you should know what you are getting into.

Another point to consider in deciding on your strategy is the approach you want to take. Which way do you want to go, or which way do you have to go in order to win?

What are the approaches you can take? Basically, they are: *individual*, *legal*, and *organized*. Let's look at each one.

Approaches to Take

Individual.—At times you can solve a problem by talking with the teacher or principal. There is no need to get overly excited, take a lot of time, or involve many people. You and the teacher, or you and the principal, can resolve it. If you don't believe you can solve the problem by yourself, then you have two other possibilities: legal action or organized action.

Legal—This is the most complicated approach to improving your schools, and it usually requires the services of attorneys. These lawyers can be representatives of government agencies; they can be representatives of private, nonprofit organizations; or they can be in private practice.

Two major requirements for legal action are money and time. Although the courts can resolve problems, the process can be long, cumbersome, tedious, and expensive. At times, however, going to the courts is the most reasonable (feasible) approach to take. For example, if you know that the school board has taken a strong position opposed to your point of view, it may not be practical to continue asking for its support. It might be necessary to get a lawyer to file in court against the school district to stop plans on a new school in an area far from your neighborhood. You might contend that the new school will deny your children an equal educational opportunity because it will have a significant racial imbalance. In this case, your only recourse is to go to court to get the new

school plans changed. Going to court, however, does not guarantee that you will win; it only guarantees that you will get a fair opportunity to present your view that the action is discriminatory.

Organized.—If you believe that the problem you see affects other students well as your own child, you should consider organizing to resolve it. To do this, you can either participate in an existing organization such as the PTA or a community council, or you can organize a special group to deal with the problem.

What is a good organization? A good and effective organization has several ingredients:

1. It has a representative group of active people.
2. It knows how to get the facts.
3. It knows what it wants or expects to accomplish.
4. It follows up on its actions.
5. It has alternative courses of action, in case one approach doesn't work.
6. It has discipline as a group.
7. It knows who to approach and what to tell them.
8. It doesn't give up easily.
9. It is not dominated by one person or group.
10. It has good communication among its members—the leaders can get the word out quickly, and the members can get their ideas and wishes to the leaders effectively.
11. It knows how to negotiate (give and take in good faith).
12. Its members are willing to devote time and energy to the efforts.
13. It gets results. This means that it sets out to do things that are possible, and it builds success upon success.

Working With Organizations.—If you want to work with an existing organization, it is best to be a member of it. You might want to consider joining such organizations as the Parent-Teacher Association, community council, League of United Latin American Citizens (LULAC), GI Forum, National Association for the Advancement of Colored People (NAACP), Rotary, Lions, Optimists, church group, etc., if you want to involve them in the school problems you are working to resolve.

In some cases, the organization is already interested in the issue. If so, and you are not a member, go to it anyway, if you want assistance. Explain the problem and ask for its active support.

Remember that an existing organization has its own rules, policies, and ways of doing things. Do not be surprised if everything doesn't go your way when you're new to the group. Someone else may be more influential and may not fully agree with you. It is important, therefore, that you be willing to work with the leadership, know how to win majority support on your own, or be satisfied with bringing the matter to their attention only. It would be helpful if the members of the organization have children in the schools and can identify personally with the problem. If you're new to the group, try to get someone from within the group to sponsor you, or to lead the support for your issue. Finally, as in all cases, don't give up if all doesn't go well. If the problem hasn't been solved, remember the reason you got involved in the first place was the problem, and it still is a problem. It will not go away, even if you do.

New Organizations.—Starting a new or special organization to deal with the problem is not easy. There are some points you should consider, however, to make the job a little easier.

1. The problem or issue should be visible to the people; they should be able to see it as a concern too. It is hard to get people working to solve a problem they don't see.
2. There should be common bonds among the people you are trying to organize—the same street, the same schools, the same teacher, etc.
3. The people should have the same complaint or problem, or believe that they will have it if something is not done to correct the situation. This could be a discipline problem at school, the failure of their children to read properly, no bilingual education, etc.
4. There should be a sense of urgency, a feeling that something must be done now, that it cannot be put off or left for someone else to do; for example, approval of the budget or suspension of children without a hearing.
5. There should be a sense of *pride*, *disgust*, or *outrage* among the group. For example, there could be *pride* in the school's baseball team that leads to organizing to build a better playing field, *disgust* with the cafeteria service that leads to organizing to improve the food, *outrage* in knowing that certain businesses are getting big tax breaks while homeowners are paying higher property taxes that leads to organizing for school tax reform.

6. The organizers should have access to facts that can be presented to the group in clear, concise, and uncomplicated terms with which they can identify.

7. There must be good and quick communications from the leadership to the group and back. A telephone network or personal visits are best. Writing letters and notices often takes too much time and does not have the same effect as personal contacts.

8. The leaders should be articulate, aggressive, and able to identify the problems the group is concerned about. They should inspire confidence among the group and not cause disunity. They should have a basic interest in solving the problems, not in advancing themselves at the expense of the organization's objectives.

9. There should be self-discipline among the group, knowing when to act, when to sit back, and how to respect the views and beliefs of others.

10. The group should know whom to contact to solve problems, what their authority is, what they have or haven't done in the past, who their superiors are, and what it's going to take to correct the problem. For example, you cannot expect a principal to change a rule if he or she is following school board policy. The people to hold accountable are the school board members, not the principal. In fact, you might be able to get the principal to support your efforts and give you information if he or she believes the rule should be changed.

11. Always try to get someone within the school system to provide you with needed information and ideas. Do not, however, expect anyone to violate professional ethics to help you. Be careful of special deals with those who agree to provide you with information in exchange for your support in their personal advancement. For example, do not agree to endorse someone for principal in exchange for "inside information." People who make deals like that should not be principals of schools. Remember the Family Educational Rights and Privacy Act of 1974 and State public information acts give you access to most school material except personal records. And personal records are open to the individual student and parents. (See chapters 2 and 5.)

12. Meetings are the lifeblood of citizen organizations. They should be well organized, involve a broad cross-section of those attending, be interesting and exciting, have limited agendas, and begin and end on time. At the end of the meeting, the members should feel: that they accomplished something worthwhile, that they have work to do to get ready for the next meeting, and that all views of the members were considered fairly. Meetings with small groups are better for organizing and informing. Large meetings are better for building morale and drawing publicity by showing support of many people. Some activities to consider for meetings are:

- Have outside experts come to discuss successful improvements that have been made in other schools in other parts of town, other cities, or other States.
- Have certain group members "act out" the problems you are trying to correct. This is called role playing. For example, have members play the roles of teacher, principal, and students and "act out" what happens when a student is reprimanded for speaking Spanish. The purpose of this is to bring to light a problem that sometimes is hard to understand by just talking about it.
- Have committee chairpersons report on the work that has been done and the results they have had. It is helpful to have more than just one committee report, so that each committee feels a sense of pride and accomplishment.
- Set specific times and target dates for other meetings, visits, reports, and work projects.

Successful meetings do not happen automatically. They are the result of careful planning and hard work. The agendas and expected results of meetings should involve a network of key members of the organization, not just the chairperson and secretary. This means that a lot of contact work must be done before the meeting. The chairperson should know beforehand what key members are thinking, what they expect will happen at the meeting, and how they feel about the issues to be discussed.

13. Unless meetings are interesting, the members will stop attending even though they still support the organization's work. Leaders should not blame apathy, foot dragging, or lack of concern on the members. As leaders, one of their

jobs is to keep things interesting. They need to know their members' interests, concerns, and needs, and to suggest activities that address them. Leaders are also responsible for ensuring that as many members as possible participate in discussions, work, and other activities. They should not let a few members dominate at the expense of others.

14. Successful organizations follow up on their work. They do not just make public statements and expect results to happen automatically. They make phone calls, attend meetings, visit offices, write letters, do research, visit neighbors, and get others involved.

Public Opinion.—Public opinion is a powerful weapon to have on your side. On the other hand, it can make your work very difficult if it is against you.

The first rule to remember is to make sure that you believe in what you are doing. When you feel sure that you are right, it becomes easier to influence public opinion in your favor or, if necessary, work against it. Public opinion means that most people believe something to be good, bad, or neutral. It does not mean that this belief is correct. Public opinion can be wrong.

The second rule is that public opinion often changes with time, new facts, and changing circumstances. For example, public opinion about the Vietnam war changed from support for it to a demand for its end within a few years.

How do you influence public opinion? There are some techniques that can be used to help get your message across:

1. Find out who the reporters are who cover education. Get to know them and their supervisors, the news directors, and the editors.
2. Get newspaper, radio, and TV reporters to visit your meetings and give them information when they do.
3. Give reporters background briefings on the issues and problems you are concerned about.
4. Schedule special events that will attract the media.
5. Visit the media officials if they don't cover your efforts. Find out why they don't think these are newsworthy; try to change their minds.
6. Write letters to the editor, stating your case. Have several people write letters.
7. Ask to appear on talk shows or public service shows on radio and TV.
8. Get well-known and respected people to endorse your efforts publicly.
9. Get other organizations to endorse your efforts and agree to help.
10. Use facts and figures to state your case. If possible, show how the problem costs taxpayers extra money or how tax money is being wasted.
11. When appropriate, dramatize how the problem violates laws, common sense, or public opinion. Point out how the problem produces ridiculous, stupid, or tragic results.
12. Get "experts" to issue statements and reports which support your position.
13. Show that many people are supporting your efforts, with the numbers increasing.
14. Give up-to-date progress reports on your efforts.
15. Stand on constitutional and statutory guarantees when other efforts are not satisfactory. For example, you can utilize equal time rules for television, the right to peaceful assembly, etc.

Elections.—One way to participate fully in the school system is to get involved in elections. There are three basic levels of participation: (1) voting; (2) being actively involved for, or against, candidates or public issues; and (3) being a candidate. The level you choose depends on you.

There are four categories of elections you should know about:

1. Formal and informal student, parent, and community organizations. For example, student council, PTA, and neighborhood civic club.
2. School boards.
3. Other public offices such as county commissioner, city council, State legislature, and Congress.
4. Special issues, such as school bonds, constitutional amendments, and referendums.

They are all important in that they all influence the quality of education in your area. It is your responsibility to do your part in helping ensure fairness, full participation, and honesty in the elections.

The first thing to remember about any of the levels is that *you have a right to participate.* No one can deny you that right without proving you have forfeited it. Even if you are not eligible to vote or be a candidate, you still have the right to participate actively for or against the candidate or issue. For example, you may not be eligible to run for student council president because you are not a junior or senior; you still have a right to get involved. Or you may not be a citizen and are unable to vote for school board members, but you have a right to support your favorite candidate.

There are two major points to remember about elections:

1. Elections are won by those who get the most *votes*. This means that elections can be won by persons who do not have majority support.
   For example, if there are 2,000 people who are eligible to vote (live in the area, are citizens, and are 18 or more years old), and only 1,000 are registered, and qualified, and only 500 persons vote, then the election can be won with 251 votes (one more than half). In some school board elections the rules are such that the candidate with the "plurality" wins. This means that if there are three candidates running for one seat, the one with the most votes wins. For example, candidate A can win with 200 votes if candidate B gets 155, and candidate C gets 145. Thus, of 500 votes cast, candidate A wins with 200 votes. This is 51 less than the majority, only 20 percent of the registered voters, and only 10 percent of the eligible voters.
   In your planning for elections, make sure you understand what it's going to take to win—a majority or a plurality. Sometimes elections are won before the campaign by making sure that eligible voters register and become *qualified voters*.
2. Work does not end after elections. The winners take office and must carry out their responsibilities. Elected officials are accountable to the public. Issues, budgets, endorsements, reviews, appeals, contract awards, and policy decisions occur continuously. Even if your favorite candidate wins, it is important that you keep in constant touch with him or her to provide advice and opinions on the many items of business. If your candidate loses, the winner still has the obligation to serve all the people in the district, even those who opposed her or him. It may be up to you to remind them of that.

Continuous Involvement.—One thing that often happens when controversies involve many people is that, when the excitement ends, everybody forgets about the schools. Good schools and good education result from continuous, often unglamorous work. The question here has been, what can you do to improve your schools? The answer is *many things*, including conferences with teachers, letters to principals, meetings with superintendents, hearings before school boards, electing friendly public officials, taking legal action, calling on State and Federal agencies to investigate problems, or organizing community support, and mobilizing public opinion. They are all important, but no one should forget that sometimes the most effective way is to work day in and day out as an active member of the school family (student, teacher, principal, administrator, school board, public official, parent, or interested citizen). Some of the ways to do this are:

1. Regular visits to the school to observe what is happening and to discuss ideas and concerns with school staff.
2. Participating in the PTA or various advisory groups such as Title I, migrant, or desegregation. (See chapter 2 for more information.)
3. Helping establish regular reports to the community by school officials where there is an honest give and take over school practices, policies, and plans.
4. Volunteer work as a teacher's aide, library assistant, driver for field trips, cook for the special breakfast program, and many other, sometimes tedious, often rewarding jobs.

Meetings and Conferences.—When you schedule meetings and conferences with school officials to discuss concerns or problems, you should consider taking someone with you who can be a witness to the discussion and the results. Some other points to consider are:

1. Set the meetings for specific times and places.
2. Know on what basis you are requesting the meeting.
3. Try to find out the facts from as many other sources as possible.
4. Write down the points you want to make, questions you want to ask, results you want to get, and the time you are willing to allow.
5. Record the results of the meeting or conference immediately after to prevent forgetting what was said. Take a tape recorder, if you have one.
6. Follow up with a letter confirming the results of the meeting (keep a copy for yourself).

7. Take additional action if expected results are not achieved.

Letters.—Letter writing is an important part of organized action. When you write letters, there are some items they should contain and they differ sometimes depending on the people you are sending them to. Although sample letters are given in chapter 6, here are some general suggestions:

1. All letters should:
   - Be legible (readable).
   - Be clear and to the point without unnecessary words.
   - Include your name, address, and phone number.
   - Give student's name, class, and school.
   - Request specific answers within a reasonable time.
2. For teachers, they should:
   - Be specific. Why are you writing?
   - Ask for a meeting to resolve problems.
   - Ask if the teacher can resolve it, or if a higher-level person is responsible.
   - Without making threats, it should indicate plans to follow up if the problem is not resolved.
3. For principals:
   - If a teacher is involved, give name.
   - Give brief details on the reason for your letter.
   - Point out how the problem, concern, question, or suggestion was not satisfied by the teacher.
   - Ask for resolution of the problem.
   - Offer to meet.
   - Cite the rule, regulation, law, or constitutional guarantee you believe has been violated.
   - Send copy of the letter to next highest level.
4. For area superintendents and district superintendents:
   - Give name of school and principal.
   - Give brief details on the problem.
   - Indicate why you are not satisfied with the principal's response.
   - Ask that the problem be resolved.
   - Cite the rule, regulation, law, or constitutional provision you believe has been violated.
   - Send a copy of the letter to next highest level.
   - Follow up if no answer is given within reasonable time.
5. For school boards:
   - Give name of school.
   - Give reasons for concern.
   - Explain specifics.
   - Indicate what efforts taken at lower levels have not been successful.
   - Ask to be placed on the agenda of the next school board meeting.
   - Cite the rule, regulation, law, or constitutional provision you believe has been violated.
   - Send copy of the letter to State board of education.
   - Indicate the relief, decision, or resolution you would like.
   - Follow up if no answer is received within a reasonable time.
6. For State agency:
   - Give the name of the district and school.
   - Indicate what your concern is.
   - Indicate that satisfaction has not been obtained locally.
   - Cite the rule, regulation, law, or constitutional provision you believe has been violated.
   - Ask for specific relief.
   - Indicate your willingness and availability to meet.
   - Indicate your willingness to go to court to seek relief, if necessary.
   - Send a copy of the letter to State legislators.
   - Follow up, if you don't get a response.
7. For Federal agency:
   - Give the name of the district and school. Indicate what your concern is.
   - Cite the rule, regulation, or constitutional provision you believe has been violated.
   - Ask for an investigation and report of findings.
   - Indicate your willingness to cooperate.
   - Indicate efforts made locally for relief. Follow up, if there is no response.
   - Send copy to Member of Congress.
8. For elected officials (legislators, Senators, Governor, attorney general, Member of Congress, etc.)
   - Give the name and location of the school district.
   - Give the names of those persons with whom you dealt locally.
   - Give your reasons for concern.
   - Cite the rule, regulation, law, or constitutional provision you believe has been violated.

- Ask that they check with the appropriate agency or official to review facts and give you relief.
- Or, ask that they sponsor or endorse legislation that will give you relief.
- Follow up, if there is no response.
- Don't threaten the elected official with defeat at the next election.
- Indicate if you represent a larger group.
- Do appeal to the officials' sense of justice, fairness, and intelligence.

Federal Programs.—Federal programs are an important part of public education because funds are provided for many programs that local schools cannot afford on their own. In some cases, schools do not participate in Federal programs because they don't know about or don't think they need them. Sometimes local officials do not want to get involved in "bureaucratic red tape." Most Federal programs have special requirements and are changed periodically by the Congress. Although it is not the purpose of this handbook to give you a lot of detailed information, we can tell you where the money goes and its purpose. This information is in the following list of U.S. education programs according to three categories: (1) funds to the States for their use or for distribution locally; (2) funds to local school districts; and (3) funds to the State, local districts, and/or other groups, such as community organizations. You would have to ask the person in charge of Federal programs at your school or contact the U.S. Office of Education for specific details on each program. Remember that each program has official requirements, regulations, and procedures that must be followed. Sometimes officials fail to follow all the rules and you should be prepared to remind them of this. (See figure 5.)

Acts or Programs that Provide Funds through the States

1. Adult Education Act[1] provides funds for adult education programs.
2. Library Services and Construction Act[2] provides funds for construction of public libraries and grants for library services and books.
3. The Elementary and Secondary Education Act[3] provides funds for:
   - Title I (programs for educationally deprived children) includes State schools for the handicapped;[4] local school services for low-income students;[5] migrants;[6] State institutions serving neglected or delinquent children;[7] and special incentives.[8]
   - Title II (library resources)[9] includes school library resources, textbooks, and instructional materials.
   - Title V (State education departments)[10] includes grants to State education departments and grants for special projects.
4. Education of Handicapped Act[11] includes preschool programs and school programs.
5. National Defense Education Act of 1958[12] provides funds for equipment and minor remodeling.
6. Higher Education Act of 1965[13] includes provisions for community service programs and continuing education programs.
7. Vocational Education Amendments of 1968 provide funds for: consumer homemaking;[14] cooperative education;[15] research and training;[16] special program for disadvantaged;[17] State advisory councils;[18] and work study.[19]

Acts or Programs through Local Districts

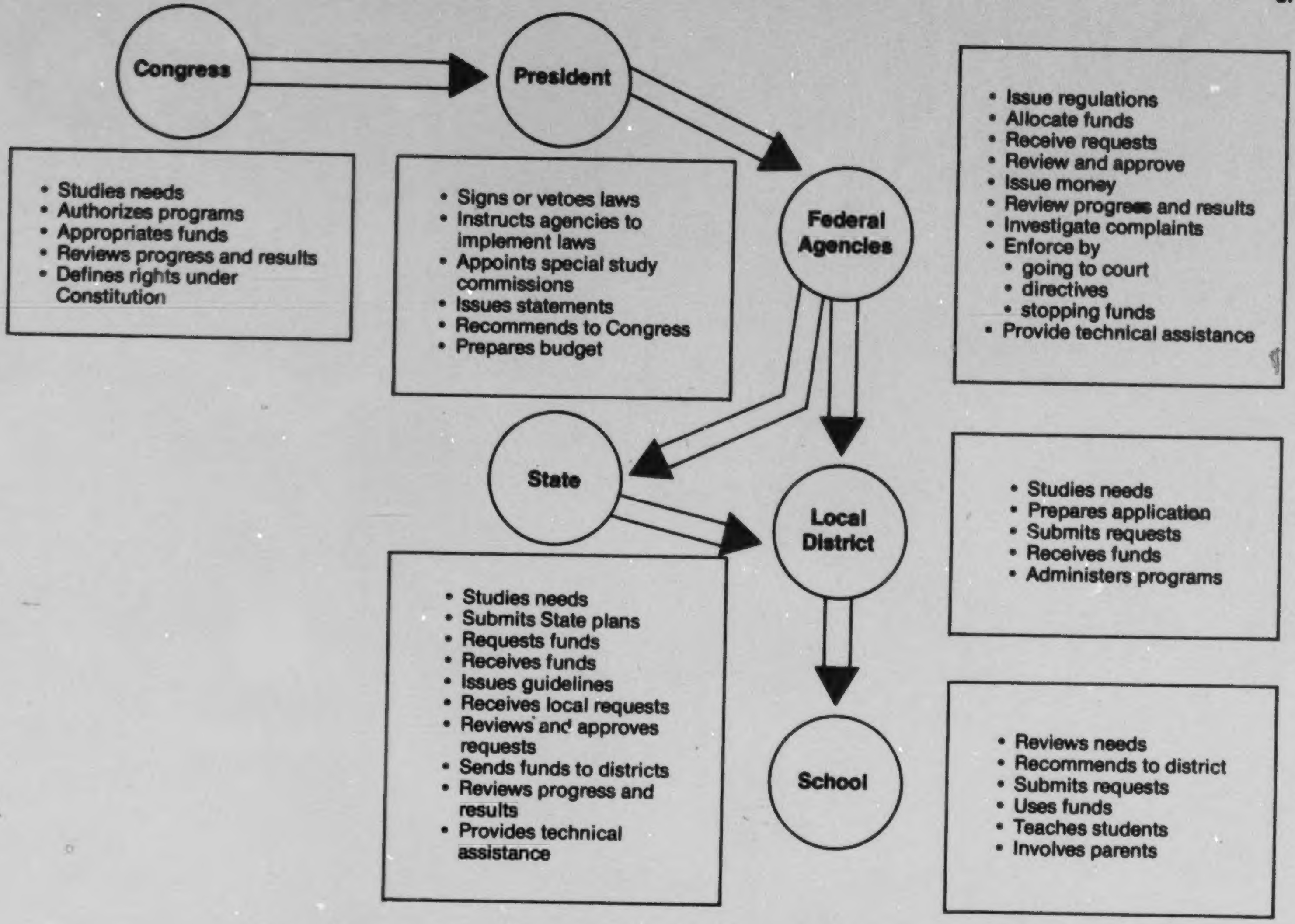
1. Child Nutrition Act of 1966[20] provides for: school breakfast program;[21] nonfood service for equipment;[22] special milk programs;[23] special supplemental food program for women, infants, and children.[24]
2. National School Lunch Act of 1946[25] provides for school lunch program.

Acts or Programs through States, Local Districts, or Other Groups

1. Elementary and Secondary Education Act, as amended,[26] provides:
   - Title I—special grants for urban/rural schools with educationally deprived students.[27]
   - Title III—supplementary educational centers, services, guidance, counseling, and testing; and demonstration programs.[28]
   - Title V—comprehensive planning and evaluation for State and local education agencies.[29]
   - Title VII—bilingual education programs.[30]
   - Title VIII—coordinating health and nutrition services for children from low-income families and dropout prevention programs.[31]
   - Title IX—ethnic studies programs.[32]
2. Education of the Handicapped Act[33] provides for: centers and services for deaf, blind children;[34] research on regular, recreation, and physical edu-

Federal Funds: Levels of Responsibility

Figure 5



Congress

- Studies needs
- Authorizes programs
- Appropriates funds
- Reviews progress and results
- Defines rights under Constitution

President

- Signs or vetoes laws
- Instructs agencies to implement laws
- Appoints special study commissions
- Issues statements
- Recommends to Congress
- Prepares budget

Federal Agencies

- Issue regulations
- Allocate funds
- Receive requests
- Review and approve
- Issue money
- Review progress and results
- Investigate complaints
- Enforce by
  - going to court
  - directives
  - stopping funds
- Provide technical assistance

State

- Studies needs
- Submits State plans
- Requests funds
- Receives funds
- Issues guidelines
- Receives local requests
- Reviews and approves requests
- Sends funds to districts
- Reviews progress and results
- Provides technical assistance

Local District

- Studies needs
- Prepares application
- Submits requests
- Receives funds
- Administers programs

School

- Reviews needs
- Recommends to district
- Submits requests
- Uses funds
- Teaches students
- Involves parents

cation of handicapped;[35] media services and captioned films for handicapped;[36] special programs for children with specific learning disabilities (model centers).[37]

3. Emergency School Aid Act[38] provides for: basic grants to local education agencies,[39] pilot programs and projects,[40] and bilingual education programs.[41]
4. Higher Education Act of 1965[42] provides for Teacher Corps operations and training, and Talent Search to provide educational opportunities to those bypassed by traditional procedures.
5. Environmental Education Act[43] provides funds for environmental education programs.
6. Cooperative Research Act[44]
7. Education Professions Development Act[45] provides funds for professional development programs, especially for schools with high concentrations of low-income students.
8. School Assistance in Federally Affected Areas (Impact Aid)[46] provides funds for construction.[47]
9. Vocational Educational Amendment of 1968[48] provides for model, innovative programs for students from low-income areas.
10. Civil Rights Act of 1964[49] provides for civil rights technical assistance and training.

Evaluations.—Sometimes it is very helpful to take an overall look at your schools. One way to do this is by conducting an evaluation with a group of parents and other interested people. Chapter 4 gives you some suggestions on how to do a school evaluation. It also gives information on specific issues you are concerned about. You should remember that evaluations are a form of organized action, and the points we make in this chapter should be considered when you start evaluating your school.

Things to Remember

We have covered many points in this chapter and we would now like to review some of them with you.

1. Do your homework

- Who are you dealing with?
- What is their authority?
- What is their track record?
- Who are their friends and supporters?
- What motivates them?
- What are the facts?
- What is the history of the problem?
- What impact will your recommendations have?
- How much time do you have?
- When is the best time to act?
- Who are your supporters now?
- Who opposes you and why?
- Who might support you if you give them special attention?
- Who might oppose you under certain circumstances?
- Who can make the decisions you want?
- What other problems or issues might be triggered by your efforts?
- What do you do if your first efforts fail (options)?
- What are the legal issues?
- What are you willing to settle for if you can't get everything you want?
- What are your weak and strong points?
- What do you want to accomplish (objectives)?
- What do you plan to do first (priorities)?

2. Communicate

- Make sure everyone in your group knows what's going on.
- Make sure the school officials understand what you are after.
- Establish a system for getting word to and from people within short time periods.

3. Develop a strategy

- Plan what you are going to do.
- Look at different ways to get things done.
- Decide on using one of the ways.
- Have an alternative approach handy, if the chosen strategy doesn't work.
- If you change strategy, make sure everyone with you knows and understands the change.
- Be flexible when possible, firm when necessary.
- Identify the pressure points—where can you apply pressure to get a response without using too much energy, resources, and time?

4. Do things with enthusiasm and do your best

- You should *want* to do things and not be a reluctant participant.
- Unless you do your best, you can't honestly ask school officials to do their best.
- Have patience; sometimes it pays to wait for results.
- Make sure that details are taken care of; don't assume that someone else will take care of them.

5. Respect the people you deal with

- Most people honestly believe that they are right, even those who disagree with you.
- Listen to what others have to say; they might give you a clue to solutions.
- Consider giving honest opponents a way out or a way to "save face."

6. Follow up

- Have progress reports.
- Have conferences to review results.
- Send letters confirming agreements, asking additional questions, and thanking individuals for their cooperation.

Notes to Chapter 3

1. 20 U.S.C.A. §1201 *et seq.* (Cum. Supp., 1975), amending 20 U.S.C.A. *et seq.* (1974).

2. 20 U.S.C.A. §351 *et seq.* (Cum. Supp., 1975), amending 20 U.S.C.A. §351 *et seq.* (1974).

3. Elementary and Secondary Education Act of 1965, Pub. L. 89–10, 79 Stat. 27 as amended (codified in scattered sections of 20 U.S.C.).

4. 20 U.S.C.A. §241c–1 (Cum. Supp., 1975), amending 20 U.S.C.A. §241c (1974).

5. 20 U.S.C.A. §241c (Cum. Supp., 1975), amending 20 U.S.C.A. §241c (1974).

6. 20 U.S.C.A. §241c–2 (Cum. Supp., 1975), amending 20 U.S.C.A. §241c (1974).

7. 20 U.S.C.A. §241c–3 (Cum. Supp., 1975), amending 20 U.S.C.A. §241c (1974).

8. 20 U.S.C.A. §241d (b) (1970).

9. 20 U.S.C.A. §821 *et seq.* (Cum. Supp., 1975) amending 20 U.S.C.A. §821 *et seq.* (1974).

10. 20 U.S.C.A. §86 *et seq.* (Cum. Supp., 1975), amending 20 U.S.C.A. §861 (1974).

11. 20 U.S.C.A. §1411 *et seq.* (Cum. Supp., 1975), amending 20 U.S.C.A. §1411 *et seq.* (1974).

12. 20 U.S.C.A. §441 (Cum. Supp., 1975), amending 20 U.S.C.A. §441 (1974).

13. 20 U.S.C. 1001 (Supp. III, 1973).

14. 20 U.S.C. §1341 (Supp. III, 1973), amending 20 U.S.C. §1341 (1970).

15. 20 U.S.C. §1351 (Supp. III, 1973), amending 20 U.S.C. §1351 (1970).

16. 20 U.S.C. §1241–1391 (Supp. III, 1973), amending 20 U.S.C. §1241–1391 (1970).

17. 20 U.S.C. §1241 (Supp. III, 1973), amending 20 U.S.C.§1241 (1970).

18. 20 U.S.C.A. §1244 (Cum. Supp., 1975), amending 20 U.S.C.A. §1244 (1974).

19. 20 U.S.C. §1371 (Supp. III, 1973), amending 20 U.S.C. §1371 (1970).

20. 42 U.S.C.A. §1771 *et seq.* (Cum. Supp., 1975), amending 42 U.S.C.A. §1771 *et seq.* (1969).

21. 42 U.S.C.A. §1773 (Cum. Supp., 1975).

22. 42 U.S.C.A. §1774 (Cum. Supp., 1975), amending 42 U.S.C.A. §1774 (1969).

23. 42 U.S.C.A. §1722 (Cum. Supp., 1975).

24. 42 U.S.C.A. §1786 (Cum. Supp., 1975).

25. 42 U.S.C.A. §1751 *et seq.* (Cum. Supp., 1975), amending 42 U.S.C.A. §1751 *et seq.* (1969).

26. Elementary and Secondary Education Act of 1965, Pub. L. 89–10, 79 Stat. 27 *as amended* (codified in scattered sections of 20 U.S.C.).

27. 20 U.S.C.A. §241a *et seq.* (Cum. Supp., 1975), amending 20 U.S.C.A. §241a *et seq.* (1974).

28. 20 U.S.C.A. §841 *et seq.* (Cum. Supp., 1975), amending 20 U.S.C.A. §841 (1974).

29. 20 U.S.C.A. §867 *et seq.* (Cum. Supp., 1975), amending 20 U.S.C.A. §867 (1974).

30. 20 U.S.C.A. §880b *et seq.* (Cum. Supp., 1975), amending 20 U.S.C.A. §880b *et seq.* (1974).

31. 20 U.S.C.A. §887–887a (Cum. Supp., 1975), amending 20 U.S.C.A. §887-887a (1974).

32. 20 U.S.C.A. §900a–1 *et seq.* (Cum. Supp., 1975), amending 20 U.S.C.A. §900 (1974).

33. Education of the Handicapped Act, Pub. L. 91–230, 84 Stat. 175 (1970) *as amended* 20 U.S.C.A. §1402 *et seq.* (Cum. Supp., 1975), amending 20 U.S.C.A. §1401 *et seq.* (1974).

34. 20 U.S.C. §1422 (1970).

35. 20 U.S.C. §1422 (1970).

36. 20 U.S.C.A. §1452 (Cum. Supp., 1975), amending 20 U.S.C.A. §1452 (1974).

37. 20 U.S.C.A. §1461 (Cum. Supp., 1975), amending 20 U.S.C.A. §1461 (1974).

38. Pub. L. 92–318, 86 Stat. 354 (1972) *as amended*, 20 U.S.C.A. §1603–1619 (Cum. Supp., 1975), amending 20 U.S.C.A. §1601–1619 (1974).

39. 20 U.S.C.A. §1605 (Cum. Supp., 1975), amending 20 U.S.C.A. §1605 (1974).

40. 20 U.S.C. §1606(b) (Supp. III, 1973).

41. 20 U.S.C. §1607(c)(1) (Supp. III, 1973).

42. Higher Education Act of 1965, Pub. L. 89–329, 79 Stat. 1219 *as amended* (codified in scattered sections of 20 U.S.C.).

43. 20 U.S.C.A. §1531–1536 (Cum. Supp., 1975), amending 20 U.S.C.A. §1531–1536 (1974).

44. 20 U.S.C. §331-332(b) (Supp. III, 1973).

45. 20 U.S.C. §1091 *et seq.* (Supp. III, 1973), amending 20 U.S.C. §1091 *et seq.* (1970).

46. 20 U.S.C.A. §633 *et seq.* (Cum. Supp., 1975), amending 20 U.S.C.A. §631 *et seq.* (1974).

47. 20 U.S.C. §640 (1970).

48. 20 U.S.C.A. §1241–1393f (Cum. Supp., 1975), amending U.S.C.A. §1241–1391 (1974).

49. 42 U.S.C. §2000(c)(2)–2000(c)(4) (1970).

Chapter 4

Evaluating the School

Basic Assumptions

What makes a good school? Is the school meeting the needs of all the students? Is it responsive to the needs of the total community? These are difficult questions to answer. If, however, we are to have schools that indeed are committed to the idea of equal educational opportunities, then it becomes necessary that we get the right answers. How to get them in the shortest time possible is the critical task.

In many instances, it is not easy for people to detect the difference between a good school and a bad school in terms of its educational program or its response to students and parents. Often the issues involved are complex, and, in some cases, they are hidden under the cloak of day-to-day activities. Unfortunately, it is only when a crisis or confrontation between teachers and students erupts that the real problems come into focus. Yet, in other instances, the problems are obviously so bad that it becomes easy to detect what is wrong with the school. Here, the task is one of getting parents, students, and school officials together to rectify the problems and to achieve meaningful change.

The concern with racial and cultural divisions in our society and the growing rejection of the so-called "melting pot" theory are having a strong impact on our schools. Over the last 20 years the primary issue in most schools has been desegregation—trying to bring various racial and ethnic groups together in effective educational environments. The primary lesson learned has been that education must be geared for a pluralistic society and that the school must be able to respond to the needs of the community and its many racial, ethnic, and social groups. The present thrust of the civil rights movement also has made schools more aware of the right that students and parents have to become more involved in school affairs.

These important developments have broadened immensely the concept of an integrated education and of the meaning of equal educational opportunity. They also have awakened an awareness among students and parents as to their rights in dealing with the school. Thus, the question as to the degree to which any school is providing its students with the experiences, orientations, and insights necessary for living in today's society made up of different racial and ethnic groups is not only appropriate, but necessary to answer.

We must still face the question of what really constitutes a good school, a responsive school. Earlier, we said this determination is not an easy task. However, it is not an impossible one either.

In evaluating schools, some observers place heavy emphasis on the quality of the physical environment in which the educational process takes place. Others examine the availability of hardware items such as teaching machines, audiovisual equipment, and laboratories. A few attempt to study the school's library facilities, textbooks, and curriculum. The intent of these efforts is simply one of attempting to assess the quality of education.

Yet, the listing of these items provides only a small part of the total educational process. Hardware items, while important in the sense of providing the students with the means to learn, do not signify quality education or responsiveness. Nor do laboratories and extensive libraries assure, in and of themselves, equal educational opportunities. Of course, this is not to say that they are unimportant. But in evaluating a total school environment more is needed.

Probably the best way for you to evaluate any school is to visit it and talk to its administrators, teachers and counselors, coaches and other supportive staff, and above all, to seek answers. This presupposes, of course, that you know what to look for. But do you? This is important because if you do not know what to look for, if you do not have any objectives, you may end up with no answers at all.

What do you look for in a school, especially a good school? One educator, M. Donald Thomas, superintendent of schools in Salt Lake City, Utah, suggests that you look for answers to six questions:

1. What are the school's basic purposes?

2. What degree of respect for children does the school exhibit?

3. What alternatives in learning opportunities does the school offer?

4. What kinds of self-concepts do the children exhibit?

5. How positive are the attitudes exhibited in the school *toward* the school?

6. What kinds of home-school relationships does the school maintain?

Each one of these questions involves a whole series of other questions. In effect, you will have to seek clues to find meaningful answers. What kind of clues? Mr. Thomas suggests a number of ways of getting answers to each of the above questions. For example, he notes that people in good schools know what they are doing. They are able to articulate for parents, school board members, and the superintendent exactly what the school is trying to achieve. In other words, there is a set of clearly defined goals and objectives. More important, the school's staff knows these goals and objectives. On the other hand, if the school does not know what it is doing, or if it has no stated goals and objectives, then that school, in Mr. Thomas' words, is merely "biding time."

He also suggests that good schools respect children. This respect, he adds, is evident in the way it treats all of its students, not just some of them. Respect also implies a relationship between student and teacher, parent and teacher, and between the school as a whole and the community it serves. A good school sees that each child is respected as an individual. In other words, the child is seen as having rights. This kind of respect is very evident in a good school and, as Mr. Thomas points out, it is very difficult to "fake in a bad one."

According to Mr. Thomas, a good school also offers a great variety of learning opportunities. Regimentation becomes secondary to exciting learning activities. A bad school, on the other hand, is usually so involved in controlling its students that its concern for enhancing the learning process becomes secondary. In a good school, motivation becomes the basis for control.

Another aspect of a good school is one that encourages a positive feeling among students. Teachers in these schools are very aware of their effect on the child's behavior. In a school with problems, one can detect an indifference to the student. In some schools, this indifference can become absolutely destructive.

The expression of positive attitudes by students toward the school is another element to seek out. The morale of students and teachers alike is an extremely important aspect of the total school environment. As Mr. Thomas points out, one can usually tell whether the morale in a school is high. In this case, teachers talk freely with the administrators and parents, vandalism by students is almost nonexistent, students are eager to learn, and there is a good working relationship between the school and the community it serves. The opposite is true for a school with low morale. There are communications problems among staff persons, vandalism is high, and there is conflict between students and teachers.

Finally, a good school encourages interaction between the parents and the staff. Good schools, according to Mr. Thomas, make sure that most school information and data are readily available to parents, and they look upon parent volunteers as an asset. Good schools always make sure that parents and students have easy access to the teachers and school officials. They also encourage parents to become involved in the decisionmaking process and to participate in the governance of the school.

While these questions can provide you with an effective framework for evaluating a school, it is also important to get an idea of the total community and its people. There is no way that you can divorce the activities of the school from its community setting. The philosophy, objectives, and educational commitments of a school cannot be separated from the people who use that school and support it. Remember these are your schools. How good or how bad they are depends to a great extent on how you and other concerned citizens perceive them.

Up to now, we have given you a number of clues to look for in evaluating a school. The section that follows attempts to give you an idea of some of the strategies you can use in seeking the right answers. That section, however, is not meant to be all inclusive, nor is it intended to be the final word. It is designed to give you an idea of what to do.

The intent of this handbook, as indicated earlier, is to give you—the student, the parent, the concerned citizen, the teacher, and the school administrator—a general concept of how schools should respond in terms of equal educational opportunity, student rights, and parent rights. This chapter and the others preceding it are designed to offer guidelines that you and others can apply to specific conditions and policies, whether they relate to student rights or the quality of education. The basic idea underlying this handbook is that schools must become more responsive to their students and the parents of these children. At the same time, the community must begin to perceive their schools as being community assets. This implies a relationship of mutual assistance and cooperative understanding.

The Evaluation Process: A Model

The first step in doing an evaluation of a school is the development of a plan of action. The plan provides the framework through which an evaluation can be conducted on a step-by-step basis, culminating in a series of conclusions or a statement of findings. Put in another way, a plan can be compared to a road map that guides you, the evaluator, to a particular destination by the best route possible with the least amount of effort.

Before we can develop a plan of action, however, we must be sure what we are talking about. What do we mean when we say we are going to evaluate a school? An evaluation attempts to answer certain *types of questions* about procedures and policies operating within the school. The kinds of questions that are usually asked about these procedures and policies in an evaluation are:

- **How well does this program perform with respect to such-and-such standards?**
- **Does it perform better than other programs of a similar kind?**
- **Is it responsive to the needs of the students and their parents?**

An evaluation is basically a procedure or process for obtaining information of a certain kind in an orderly way. In general, the activity consists mainly of gathering and combining the right kind of data to form certain conclusions.

In the course of clarifying the concept of evaluation, it is important not to oversimplify it. Although the typical goals of evaluation require judgments of merit and worth, when somebody is asked to evaluate a program, a situation, or a process, then what is being called for is a clear description of what is happening, usually with respect to other programs, situations, or processes.

Thus, an evaluation involves an appraisal of the total school environment. Generally speaking, this means evaluation of goals, grading procedures, curriculum, teacher attitudes, parental involvement, etc., and their effect on parents, and the community at large.

Essentially there are eight steps involved in preparing and carrying through a school evaluation:

1. Forming an evaluation committee.
2. Determining the purposes of the evaluation.
3. Determining the objectives of the evaluation.
4. Determining the items to be evaluated.
5. Carrying through the evaluation—collecting the data.
6. Processing the data.
7. Analyzing the data.
8. Developing and distributing the evaluation report.

Forming an Evaluation Committee

The first step calls for bringing together a number of individuals who are concerned with the education of their children and the school's response to the community as a whole. It should be stressed that not everyone on this committee needs to be an expert, but it will helpful to have some individuals who are knowledgeable about school operations and policies.

Also, in any evaluation where heavy reliance is placed on carefully designed standards, you may have to depend to a large extent on the judgment, objectivity, and perception of the committee members. Therefore, it is extremely important that the members of this committee be fully aware of their responsibilities.

Because each school is unique and because of the inherent complexity of the task at hand, it is difficult to outline an ideal organizational arrangement for the evaluation committee. In the end only you can decide how the activities of the committee should be organized. As a first step, however, it is recommended that an executive committee be *elected* by the citizens of a particular neighborhood, school district, or community organization. The purpose of this committee would be to plan and supervise the evaluation effort. It also would have the responsibility of selecting additional members for the committee as needed, setting up a time schedule for the evaluation, establishing procedures to carry through the evaluation, and preparing the final report.

In terms of organization, it is recommended that the executive committee, once established, immediately elect a chairperson and a vice chairperson to guide its day-to-day operations.

The use of subcommittees offers an effective means for covering the many different areas of concern that need to be considered in any kind of evaluation effort. In this context, it is suggested that the executive committee select members for each of the subcommittees. Each subcommittee, in turn, should have the responsibility of completing the evaluation of the area assigned to it. Figure 6 illustrates one way of organizing the committee.

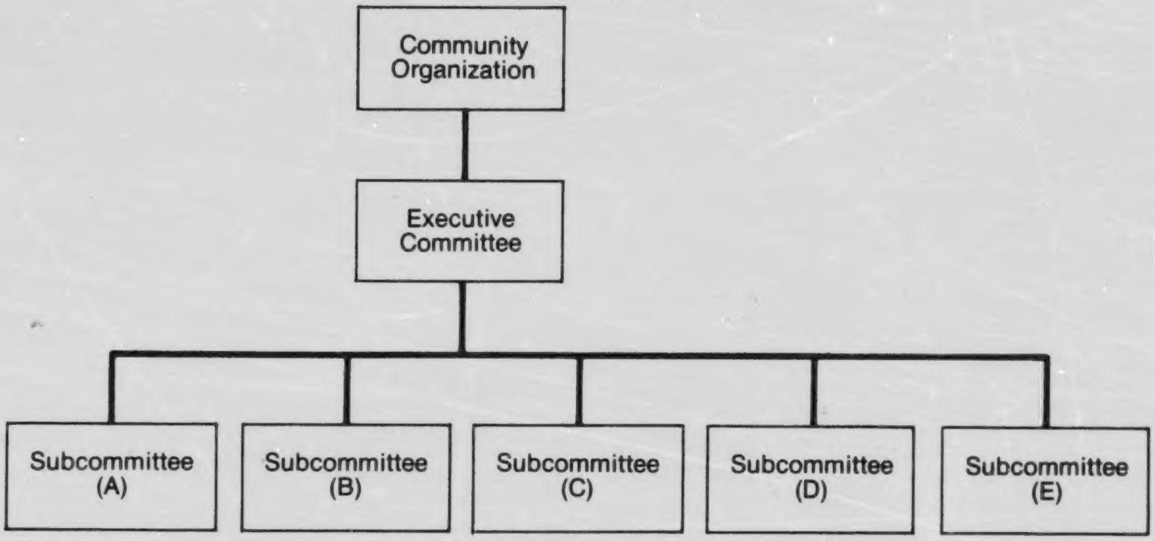
The size of the evaluation committee generally will vary with the size of the school involved, the number of days that will be necessary to accomplish the task, the amount of experience of team members, and the willingness of the committee to work long hours.

As noted above, the executive committee has the major responsibility for planning and supervising the evaluation effort. The size of this committee may depend on the magnitude of the overall effort, but generally a small committee seems to be more effective. Three to five members would seem large enough for most evaluation projects.

With respect to the total evaluation committee, the major factor to be taken into consideration is that it should not be so large as to be unmanageable, but large enough to accomplish its task. Of course, it is obvious that larger committees visiting for longer periods of time will have more opportunities to observe the work of the school. But, at the same time, it may cost more in terms of lost work days, travel expenses, maintenance expenses, and so forth. The suggestions given below represent a compromise that has been found to be generally acceptable by numerous professional organizations involved in evaluating and accrediting elementary and secondary schools. However, it should be stressed that these are only suggestions and that the executive committee should have the

Figure 6

Organizational Structure for an Evaluation Committee



ultimate responsibility for establishing the size of the evaluation team.

In small or medium size schools having 30 to 50 teachers, it is recommended that a committee have at least 9 members and spend 3 days for the visit. A committee of nine provides a chairperson and four subcommittees of two persons each.

For larger schools having more than 50 teachers, a committee of 15 members is suggested as a desirable size. This would allow you to have a chairperson and seven subcommittees of two persons each.

Subsequent sections will define more completely the role of the executive committee, the evaluation committee, and each of the subcommittees in carrying out the evaluation process.

Determining the Purpose of the Evaluation

After the executive committee has been established it should begin the process of determining the purpose of the evaluation effort to be undertaken. For example, the committee will have to determine whether it wants to evaluate only one aspect of the school's program—e.g., curriculum; the entire school and its educational program; or the total district. This step is important because it will help the committee in formulating the general emphasis and direction of the evaluation effort. It also will help the committee to decide on the kind of evaluation process it may want to undertake, the goals of the evaluation, the scope of the project, and the kinds of data it will need.

In determining the purpose of the evaluation effort, it is important to look upon the initial evaluation as not being an end to the process but a completion of a circular program that reflects and creates a neverending concern with the improvement of the school. Most evaluation efforts are only the beginning phases of a larger task to make the school more responsive to the community as a whole and its student body. The long-range success of any evaluation effort, therefore, requires a constant effort to keep the community informed about what information has been obtained and about what is happening in the school, the school district, and the community.

Several features of public schools make them particularly vulnerable to local community concerns and pressures. These are:

1. Schools are, in effect, monopolies that serve consumers who usually have little or no choice about attendance and who are individually powerless to bring about change.

2. Schools affect many people in the community in very personal and powerful ways.

3. Schools are seen as important institutions for imparting selected traditions and values of the community.

4. Schools are often tied to local policies, since school board members and superintendents, whether appointed or elected, represent powerful elements in the community.

5. Schools are supported at least partially by local taxes.

6. Schools provide an important channel to success for some students and act as repressive, alienating, and failure-oriented institutions for others.

Thus, in defining the purpose of an evaluation, these elements must be carefully considered, since any effort to change a school is bound to reflect community pressures, debate, and probably conflict.

As indicated earlier, an evaluation involves an appraisal of the school. In other words, we are trying to determine how good a job a particular school is doing with respect to its educational processes, its procedures, its programs, and its relevance to the students, their parents, and the community. There are basically three types of evaluations you can use to determine how well the school is doing. These are:

- **First, you can study what is actually going on in the school and the classroom and document the conditions as they exist at that particular point in time.**
- **A second kind of evaluation involves the investigation of cause-and-effect relationships. For example, you can evaluate the various textbooks and tests used by teachers to see what effect they are having on students.**
- **A third kind of evaluation is to develop definite standards or guidelines to judge the effectiveness or the ineffectiveness of the item being studied. These guidelines are usually established before the evaluation.**

The kind of evaluation approach you choose to use will depend largely on the size and makeup of the evaluation committee and the time and effort it wishes to devote to this project. In determining the purpose of the evaluation, it is important that the committee have a clear idea of what it intends to do and how it wants to do it. Once it has done this, it can turn to the task of specifying in greater detail the objectives of the evaluation.

Determining the Objectives of the Evaluation

After the committee has developed an agenda of what it intends to do, then the next step is to formulate objectives for the group. Basically, an objective is something toward which effort is directed; it is an aim or a goal. By having objectives you accomplish two things:

1. Each person involved in the project knows what the goals of the group are and what it hopes to accomplish.
2. Objectives serve as a guide that keep the group on the right track.

It is extremely important that you carefully outline the objectives of the evaluation effort. It also is advisable for the committee to call upon the services of other private citizens, educators, and public officials to participate in discussions about the objectives. A failure to involve additional resources at this stage may create several problems later. For example:

1. The objectives may not be possible because they are based on a mistaken idea of what the functions of a school are.
2. Important people in the political and educational establishments as well as in the community may be upset because they feel they should have been involved at the beginning of the evaluation process.
3. The objectives may be too broad to carry out the evaluation effort.

With respect to the third example, it may be necessary to be satisfied with the broadly stated objectives. The danger is that when objectives are stated too broadly, different persons on the evaluation committee may define these objectives differently. Every member of the committee may see the effort on the basis of his or her own viewpoint. If this is the end result, then much of the effort you and the committee have made will be wasted. For this reason, it is crucial that each objective you list communicate clearly what is to be accomplished and how each of the items or areas in the evaluation effort is to be measured.

When formulating evaluation objectives, you should also take into consideration the broader goals of the community served by the school and wider definitions of purposes of other important segments of society. Figure 7 illustrates some of the local resources whose views and needs must be considered in establishing the evaluation objectives. Once the objectives have been decided upon, the committee must begin to determine what it wants to evaluate.

Determining the Items to be Evaluated

Step 4 of the plan should outline those items or areas of the school and its program that will be evaluated.

- **In this context it is critical that the areas you decide to evaluate are manageable and that they deal with the problems and issues at hand.**

To develop a comprehensive evaluation, the committee must take into consideration the relevant forces in both the school and the community. For example, the characteristics of the student population being served and the social, economic, racial, and ethnic makeup of the community or neighborhood must be weighed in making assumptions about what the school should be doing and how it should perform.

In order to structure the various kinds of information needed to carry out an effective evaluation effort, it is recommended that you consider the following categories:

1. The school and its community.
2. The school and its characteristics.
3. The school and its educational program.
4. The involvement of parents in school operations.

Below is a list showing the various kinds of information you will need to acquire in relation to the above categories. One word of caution: This list is designed to give you only a general idea of some of the areas that should be considered in evaluating a particular school. The evaluation checklist in appendix C will provide you with a more complete listing of elements.

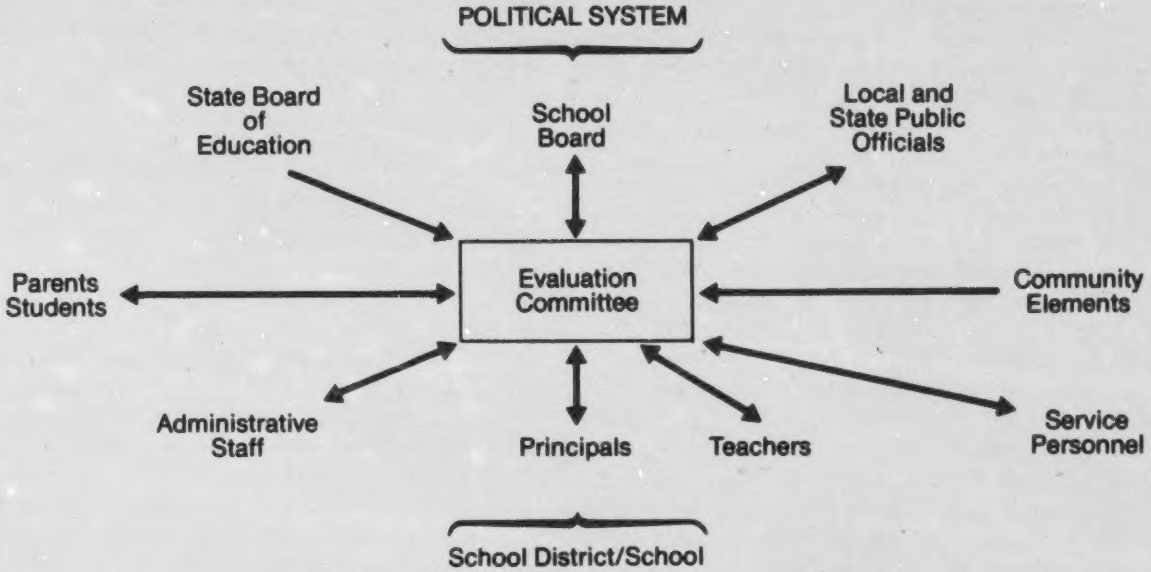
I. The School and Its Community Setting

Kinds of information to be sought:

1. What is the makeup of the student body by race, national origin, and sex?

Figure 7

Local Resources and Agencies Influencing the Evaluation Committee


POLITICAL SYSTEM
State Board of Education
School Board
Local and State Public Officials
Parents Students
Evaluation Committee
Community Elements
Administrative Staff
Principals
Teachers
Service Personnel
School District/School

2. What is the race and ethnic makeup of the people living in the neighborhood where the school is located? Are they rich, poor, or middle class? Is there any industry in the area? What kind of houses do people live in? Are the streets paved? Are there sidewalks for the children?

3. Are people moving into or out of the neighborhood? Why?

4. Are any community agencies in this neighborhood working in the area of education?

5. How well represented are the various racial and ethnic groups living in this neighborhood in local government, school boards, and parent advisory committees?

6. To what degree does the school work with the community.

II. The School and Its Characteristics

Kinds of information to be sought:

1. What is the makeup of the faculty by race, ethnic orgin, and sex? Of the administrators? Of secretaries and other office workers? Of all other "blue-collar" employees?
2. Is there any pattern to the school's employment policies? To the school district's?
3. Are there any signs of racial or cultural tension between the students? Between teachers? Between students and teachers?
4. What are the attitudes of the teachers working in the school?
5. Does the school have any formal community?

III. The School and Its Educational Program

Kinds of information to be sought:

1. Are the students getting the type of education they need to find a job? To get into college?
2. Are the counseling services available adequate to meet the needs of the students?
3. Are students of one racial, ethnic, or sex group concentrated in vocational classes? In classes preparing students for college? In EMR classes?
4. What is the makeup of dropouts and withdrawals by race, ethnic origin, and sex? Of suspended students? Of expelled students?
5. What is the dropout rate for the school? For the district?
6. How much involvement of minority students is there in extracurricular activities?
7. How new and in what general conditions are the school buildings and facilities?

IV. The Involvement of Parents

Kinds of information to be sought:

1. What is the makeup of the school board by race, ethnic orgin, and sex?
2. To what degree are parents actively involved in school organizations and advisory groups?
3. Are parents involved in the actual operation of the school? (Example: Doing volunteer work in the classroom.)
4. Do parents have difficulties when they try to see the teachers? The administrators?
5. What is the degree of parental involvement in federally-funded programs? How are members of these advisory committees chosen?

The kinds of data or information to be collected may be either fact or opinion or both. However, to accumulate the right kind of information you may want to establish a set of priority or key questions outlining in great detail the areas you want to investigate and evaluate.

Equally important is determining the sources from which the data will be obtained. Careful attention should be directed toward selecting the data source or sources. The reason for this emphasis is that there are usually many different sources available for gathering similar kinds of information. Consequently, it is important that you and the committee design a data-gathering plan that specifies these sources before actually going out to collect it.

To gather this data, a number of existing sources are usually readily available. For example:

1. You can examine school records, test profiles of the school, annual reports, minutes of school board meetings, and any special reports that may have been prepared by the target school, the district, or State education agency.
2. You can personally interview teachers, students, school administrators, and other parents.
3. You can mail out questionnaires to students, parents, teachers, and school administrators requesting certain kinds of information.
4. You can make onsite visits to the school.
5. You can use the local library to get social and economic data for the community.

In addition to these sources, the administrative staff of each school district is an excellent source of information. The size of the district usually will dictate staff size and the types of responsibilities staff members assume. In general, various people on the school's administrative staff will have important information at their disposal. The important thing here is to seek out the right people. An organizational chart of the school and perhaps having someone on the evaluation committee who is knowledgeable about school operations will be helpful.

Also, no evaluation can overlook the importance of teachers. There are several ways they can contribute to the evaluation. First, teachers can report their views of students' perceptions of the school's program. Though teacher reports should not be taken as conclusive evidence of the students' views, they are excellent indicators of the way teachers see their students, a perspective that usually influences the teachers' own approaches to the classroom environment. Second, teachers can report the academic achievement levels of students. Third, teachers are in a good position to report on curricular emphasis.

All of these approaches are valid in terms of getting information. The important thing to remember is that, when determining the items to be evaluated and the kinds of data to be sought, you should:

1. Carefully plan and outline the areas of concern before the evaluation effort is initiated.
2. Carefully phrase the priority or key questions to make sure they are directed to specific issues.
3. Have a good idea of the overall organization of the school.

Carrying through the Evaluation—Collecting the Data

Step 5 involves the actual collection of data. At this point, the committee should have established the objectives of the evaluation effort, the details of the work to be done, the kinds of information needed, the time and resources required to do the job, and assigned specific members of the committee the responsibility for seeing that the essential action steps are accomplished within the time available.

The evaluation checklist in appendix C is designed to provide you with a comprehensive instrument for evaluating the school. However, it should be emphasized that the checklist presented here is only a suggested format and that your committee may want to develop its own evaluation instrument to make it more relevant to your needs.

Before beginning the actual evaluation effort, three things should be done by the committee:

1. Review the priority questions and evaluation checklist.
2. As indicated earlier, too much or too little data may handicap the prospects of a successful evaluation. To avoid this problem, the committee should carefully consider each data source and take steps to reduce overlapping questions.
3. The committee should also carefully review its methodology for collecting the necessary information.

Before visiting the school, members of the evaluation committee should study this handbook carefully. Also, members of the committee should familiarize themselves with the issues at hand, the kinds of information needed, and the objectives of the evaluation. In addition, committee members should begin to familiarize themselves with any material that may have been supplied by the school.

The role of the chairperson is extremely important in this phase. The success of the evaluation in accomplishing its objectives depends to a large extent on the chairperson's attention to details, organization of the committee's work, and relationship with the school in question.

The process of collecting the data is perhaps the most crucial element in the whole evaluation. To expedite this process, it is important that you develop an effective strategy. Below is a format or approach you may want to use in setting up the data collection effort.

1. The chairperson should first contact the principal of the school, indicating to that person the committee's intent to evaluate the school. At the same time, the chairperson should also arrange to visit the school before the evaluation to meet key members of the staff and perhaps the entire faculty in order to familiarize himself or herself with the school, to answer questions from the faculty, and to begin preliminary planning of the evaluation with the principal and his or her designated staff.
2. A time should then be arranged with the principal to allow the committee to visit the school. To assure complete coverage, a schedule should be prepared before the visit that provides ample time for the committee to:
   (a) meet with the head of the school and key members of the staff to discuss programs and policies of the school;
   (b) allow individual committee members or small groups to visit classes and talk with members of the faculty, staff, and students;
   (c) see either individually or as a committee such parts of the school's physical plant as seems necessary;
   (d) meet with other parents and community groups to discuss the school's program and response to the total community; and,
   (e) meet as a committee at the close of the visit to review individual and group findings and determine if additional information will be needed to complete the evaluation.
3. After you have determined that all of the necessary information has been gathered, the committee should begin working out the format and emphasis of the evaluation report. To speed up this process, the committee should meet shortly after the evaluation visit has been completed to review the data, discuss the preliminary findings and observations, and begin formulating recommendations.

It is important that the evaluation visit of the committee be done in a professional manner. Members should observe, visit, and inquire for the purpose of getting as comprehensive a view of the work of the school as is possible in the limited time available. Their attitude should encourage free discussion of the work of the school among staff members. School officials and teachers should be given an opportunity to explain fully what they are doing. Individual members of the evaluation committee should avoid making criticisms or suggestions to members of the school staff during the visit. All such suggestions should be made after discussion by the committee and should be the result of committee action rather than individual action.

The evaluation is an effort to gain information that will lead the committee to identify problem areas and needs for the purpose of bringing them before the decisionmakers so that appropriate and necessary action can be taken. Information gathering, however, should not become an end in itself. Getting the information is only part of the job.

Another caution: The committee must avoid such a comprehensive and detailed effort that the cost and time commitments become excessive. Of course, each committee must define its own effort. However, it is recommended that the entire evaluation effort from initial conception to the development of the report be compressed into a few weeks and that emphasis be placed on the utilization of existing information where it is available.

Figure 8 shows the steps involved in the evaluation process. It also suggests a general time framework to accomplish each of the steps. It does not, however, take into consideration a followup phase.

As indicated earlier, the evaluation effort should be carried out through the use of subcommittees. Each of the subcommittees will be responsible for a general area with overall direction and coordination being handled by the executive committee.

Members of a subcommittee responsible for a certain area should plan their visits so that each teacher is visited by at least two committee members at different times for approximately a class period each. Care should be taken that all the different varieties of work in terms of content, level of difficulty, special objectives, sequence, and similar factors are observed. Also, it is important that these subcommittees receive prior approval from the school's principal to enter classrooms. Members of these evaluation subcommittees should enter classes unannounced, avoid participation in class activities, defer making notes until after leaving the classroom, and leave with a minimum of disturbance. If the work of the class is obviously to be continued in much the same form for the entire period, the observer may leave after a short visit and return to observe another class.

At the conclusion of their visits, each of the subcommittees should prepare a written report that will be subject to approval by the full committee. Both good features and suggested changes should be included in these reports.

Time should be provided on the committee's schedule for each subcommittee responsible for a particular area to report to the entire committee at the end of the evaluation visit. Discussion of even the details of these reports should be encouraged as long as comments are constructive and special interests or prejudices are not exaggerated. The results and findings of the subcommittes are very important and should be carefully written, discussed, approved, and submitted to the chairperson of the evaluation committee before the subcommittee may consider that its work is completed.

Processing the Data

The sixth step calls for processing the data. This involves checking the data secured from the evaluation checklist and other sources for accuracy, assuring that it is complete, and putting it into a format that will be useful for those who will analyze it and prepare findings and recommendations.

Analyzing the Data

For all practical purposes, this step is the *evaluation*. Here the accumulated data, the subcommittee's reports, and responses to questionnaires are reviewed, analyzed, and compared. In this step the committee is mainly interested in looking at the information it has gathered to determine whether or not the school is meeting the needs of its students, their parents, and the total community. This activity also should reveal to what degree the school is meeting its own goals and objectives.

The *priority questions* established in step 4 are important because they will be helpful in proceeding with the needed analysis of the information obtained.

One way that you and the committee as a whole can proceed with analyzing the data is for the chairperson to assign each subcommittee a section of the report. Through individual and group discussion, each member can begin to look carefully at each of the elements covered in the evaluation effort. If necessary, experts can be called in to provide specialized technical assistance to help you in reviewing the data and perhaps offer suggestions on how to make the most effective use of this information.

Developing and Disseminating the Evaluation Report

The eighth step is to establish the format and techniques for reporting the committee's findings and recommendations. Equally important is devising a strategy to maximize the impact of the report.

The report has a threefold purpose:

The Evaluation Process

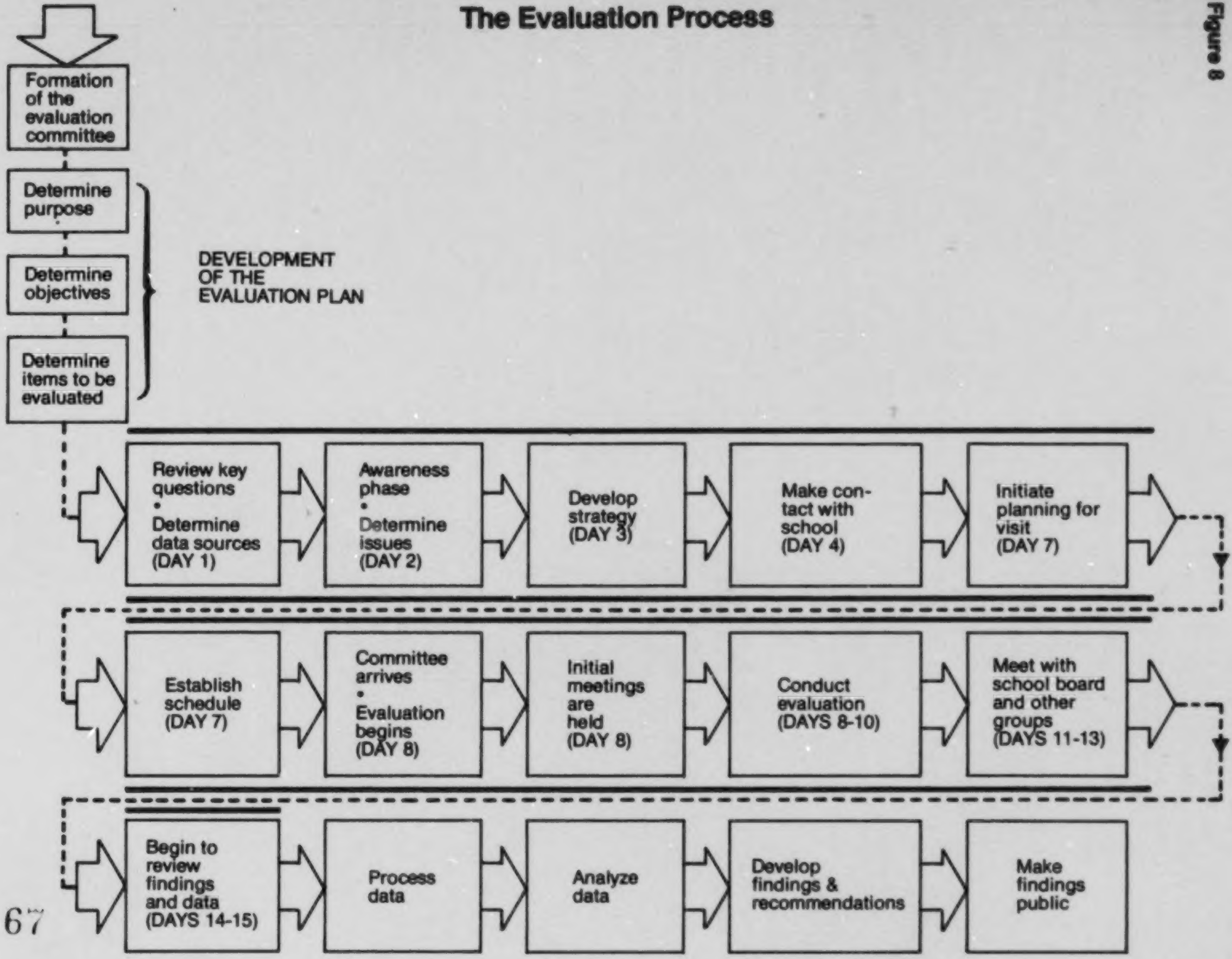

Formation of the evaluation committee
Determine purpose
Determine objectives
Determine items to be evaluated
DEVELOPMENT OF THE EVALUATION PLAN
Review key questions • Determine data sources (DAY 1)
Awareness phase • Determine issues (DAY 2)
Develop strategy (DAY 3)
Make contact with school (DAY 4)
Initiate planning for visit (DAY 7)
Establish schedule (DAY 7)
Committee arrives • Evaluation begins (DAY 8)
Initial meetings are held (DAY 8)
Conduct evaluation (DAYS 8-10)
Meet with school board and other groups (DAYS 11-13)
Begin to review findings and data (DAYS 14-15)
Process data
Analyze data
Develop findings & recommendations
Make findings public

Figure 8

1. To inform school officials of facts, opinions, and recommendations to aid them in developing better school programs and curriculum and assuring accountability.
2. To educate and inform the general public.
3. To suggest appropriate action to school officials.

The report itself will probably be drafted by the executive committee, working directly and indirectly with each of the subcommittees. This report should flow naturally from the evaluation process. It should outline the steps taken by the committee in evaluating the school, identify both the good and bad aspects of the school, document these with facts, and recommend solutions.

Below is a suggested format for the evaluation report.

Introduction

The introduction gives the background of the committee's investigation. It includes a general description of the committee and its makeup, the purpose of the evaluation, its objectives, the kinds of elements evaluated, the evaluation methodology, and the steps taken in evaluating the school.

Body

The body of the report presents the results of the evaluation gained through the field investigation. It outlines each of the areas covered and summarizes the subcommittee's findings in each of the areas evaluated. The executive committee should ensure that whatever findings or conclusions are included in this section are firmly supported by factual data or expert opinion.

Recommendations

This section uses the report data to present relevant judgments and recommendations for change. Each finding or set of findings should have a specific recommendation requesting action to be taken by the school or district.

The report should be *clear*, *factual*, and *perceptive*. In short, it should be a critical analysis of what exists and what is being sought. The recommendations can be directed towards the school board, administration, faculty, parents, and other community and professional groups that have some relationship to the school.

It is important that you and the committee give careful thought to the preparation of this report. To submit a carelessly prepared, factually inaccurate, and superficial report does no credit to you, or the committee, or the evaluation process.

In this context, the report should be carefully edited by the chairperson so that it is accurate, mechanically correct, and free of ambiguous or incomplete statements. Much of the value of the entire evaluation process may be lost if the written report shows evidence of carelessness or hasty and thoughtless expression. It should be remembered that members of the school board, community organizations, and private citizens, who may or may not be familiar with the procedures used in this evaluation, will have to understand it.

To get the report out in the shortest time possible, it is recommended that the chairperson establish a time schedule for completing it and make whatever assignments he or she deems necessary for preparation of the various sections. It is also suggested that the chairperson establish a specific time period for the committee review process.

After incorporating any revisions arising out of the review process, you may consider giving a copy of the report to the superintendent of the district, the principal of the school evaluated, to all school board members, and other pertinent school officials prior to its release to the general public. The reason for taking this approach is to allow school officials and school board members the opportunity to comment on the accuracy and nature of the report and its recommendations. The committee can then either incorporate these comments in the final report or use them in the followup phase.

You are now ready to release the report to the general public. In releasing the report, however, it is necessary for you and the committee to have a clear idea of how you want to use it. An evaluation should be a stimulating force leading to definite improvements in the services offered by the school to its students and community. The worst thing that could happen is for nothing to happen. The logical thing to do in most instances is for the committee to work closely with the school staff to develop an organized plan for improving the school's program over a period of time in line with the findings of the evaluation report.

A second aspect of the followup is that the committee assure that the principal and staff become familiar with the information contained in the report. In most schools, all the members of the faculty will want to read the report.

Some portions of the recommendations may well be taken up with members of the local school board or with the local parent-teacher association. The extent to which these groups will work with the report will, of course, depend upon the local situation. In any case it will be extremely important that the public become aware of at least the most important parts of the report.

Beyond this, the report can be used in many other ways. For example, it can be used as a means for monitoring the school to see whether it is complying with the recommendations developed by the evaluation committee. It also can be used as a means for upgrading the school's educational program by pointing out specific problems, and it can serve as a basis for community workshops. Finally, it can provide the means for developing new educational programs.

Although we have been concentrating on the use of a comprehensive evaluation approach to deal with the school, its educational program, and its response to the total community, other approaches can be used. For instance, parents acting as individuals or as part of a group can visit the school on a periodic basis to see what is happening. Visiting the school and talking with the principal, teachers, and counselors is probably one of the most effective ways of accomplishing change at the local level. Another approach is to voice your opinions at school board meetings. One can also use the local media—newspapers, television, and radio—to bring out the issues.

To a large extent, school problems reflect community or neighborhood problems. If these problems are the result of community neglect or past actions, and if their continuance can be attributed largely to community indifference, then their elimination can be said to be the responsibility of the entire community. However, in attempting to solve these problems, it is important that the citizens of this community be made aware of them. This is the major task of the evaluation effort. In addition, to be effective, the evaluation committee must offer alternatives to the present system in those areas found to be deficient. One final point—remember, these schools are your schools. How good or how bad they are depends, in large part, on how you and other concerned citizens see them, and what you do about them.

Summary

This model has been outlined to aid you in devising a workable evaluation plan to determine the schools' response to its students, the parents of these students, and the total community. Briefly, eight basic steps are involved:

The first step is to create a committee to formulate the plan and establish the goals and objectives of the evaluation effort.

The second step is to determine the purpose of the evaluation effort.

The third step is to determine the specific objectives to be obtained. These objectives should be meaningful and measurable.

The fourth step is to determine the areas to be evaluated.

The fifth step involves the actual evaluation. It also involves developing the methods of collecting the information and the administration of data collection activities.

The sixth step involves the processing of data after it has been collected.

The seventh step is analyzing the data. This is the examination of the data to determine the overall effectiveness or ineffectiveness of the school's response to students, parents, and the community as a whole. This activity should reveal precisely where the problems, if any, are and what the deficiencies are in the school's educational program.

The eighth step involves arranging the results into a meaningful format, outlining specific findings and recommendations, and disseminating the report.

We can now turn to the task of specifying in greater detail the kinds of questions that should be asked in evaluating a particular school. The evaluation checklist in appendix C is designed to serve as a model to be used in carrying out the evaluation. Before you proceed:

1. It should be stressed that the checklist format presented in appendix C is only a suggested one. You may find that it will have to be modified to fit your own priorities and circumstances.

2. While every attempt has been made to make this checklist as comprehensive as possible, it is impossible to include everything. Therefore, you may add other items to the checklist to make it fit your needs.
3. You should carefully read all of the instructions included in the checklist before undertaking the actual evaluation. Remember, the evaluation visit is only one part of the total evaluation effort.
4. You should carefully review the entire handbook before embarking on the evaluation process and seek technical assistance where you need it.

Note to Chapter 4

1. M. Donald Thomas, "How to Recognize a Gem of a School When You See One," *The American School Board Journal*, March 1975, pp. 27–30.

Chapter Five

Texas State Education Agencies and Laws

Do you know how State educational bodies and laws relate to your school district?

You probably have attended local school board meetings where frequent references are made to State educational agencies and laws. How often do the community people at these meetings raise questions about what the State educational agencies tell your local school board to do? Does your local school board justify some of its actions "because the State tells us to do it"? Have you ever asked yourself how and why the State decides educational policies affecting your local district?

This chapter describes the role of the State in school matters. The duties and functions of the major State educational bodies such as the State board of education, the State department of education and the commissioner of education are explained. Other important agencies such as the Texas Textbook Committee and the Texas Board of Examiners for Teacher Certification also are discussed.

A description of how the State system of appeals and hearings works also is included. Important items contained in this chapter are explanations of the Texas Open Records Act and the Open Meetings Act. Questions always arise regarding what documents and records can be released by schools and school boards. Similarly, questions frequently are asked concerning who can attend what meetings. This chapter is designed to answer these questions.

It is important to emphasize that the entire Texas public educational system is governed by law. Laws exist for all levels of public school operations. This chapter answers some questions about a limited number of important educational areas.

If the reader desires more detailed knowledge of the statutes governing the State's educational system, he or she is encouraged to study the Texas Education Code, which appears as the eighth volume of *Vernon's Texas Statutes*. In most instances *Vernon's Statutes* can be found in the libraries of local courthouses and law schools. Check with your public library for assistance in locating a copy.

Another important point about the contents of this chapter should be mentioned: Your community and local school board may be involved in an issue or area that is not treated here. You can see that trying to include the "hottest issues" currently unfolding throughout the State would require that this chapter be rewritten every few months. To avoid this problem, this chapter is meant to be descriptive and informative.

Public Education: A Legislative Responsibility

The responsibility for educating Texas schoolchildren rests squarely in the hands of the State legislature. Article VII, Section 1, of the State constitution describes this responsibility as follows:

> A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make provision for support and maintenance of an efficient system of free public schools.

The legislature primarily fulfills this constitutional obligation to education by enacting legislation. As a general rule, the Texas Legislature delegates to the Texas Board of Education the major responsibility for determining the educational needs of Texas schoolchildren.[1]

Many people have come to believe that local school boards are educational bodies that have the ultimate decisionmaking power concerning the operation of local school districts. As the citation above from the Texas constitution clearly states, this is not the case. Local school boards have only as much power as the legislature wants to give them.

In recent years the concept of "local control of schools" has received much publicity. Unfortunately, this attention to local control has given many individuals the impression that local school boards throughout the State are free to act as they wish. As a result, when the State legislature makes certain changes, substantial criticism and resistance arise from those persons who were unaware of the legislature's constitutional obligation to govern the State's public schools.

The legislature itself has played a part in furthering this misconception of local control of schools. The legislature has for some time delegated most of its educational responsibilities.

The Texas Education Agency: Right Arm of the Legislature

Texas public schools are controlled at the State level by the Texas Education Agency (TEA).[2] This agency is composed of the State board of education, the State board for vocational education, the commissioner of education, and the State department of education.[3]

Figure 9 shows TEA's organizational structure. A good way to recognize these three branches is by remembering that the State board of education *decides policy*,[4] the commissioner of education *recommends policy*,[5] and the State department of education *carries out policy*.[6] The commissioner of education is both the chief executive of the State department of education and executive secretary of the State board of education.[7] The power and duties of the above three offices are described in greater detail later in this chapter.

As explained earlier, the State legislature allows the Texas Education Agency to "exercise general control of the system of public education at the State level."[8] For this reason, many questions and issues that arise daily almost always require some judgment to be given by the State board of education, the commissioner of education, or some division within the State department of education.

A community group or individuals who have questions or need clarifications on certain regulations should always try to make their request in *writing*. Their written requests should be directed to the commissioner of education.

The commissioner of education, as the executive officer of the Texas Education Agency, can refer these questions to the appropriate division(s) within the department of education. In addition, the commissioner has a legal counselor on his staff who can and does give legal opinions on many issues. It is the commissioner who instructs his legal counselor to seek opinions from the State attorney general's office on matters that require interpretation of State educational laws.[9]

If the group or individual wants to appear before the State board of education, a written request to do so should also be sent to the commissioner. As executive secretary of the State board, the commissioner has the responsibility of scheduling persons on the board's agenda.[10]

The State department of education is one of the largest governmental bureaucracies in Texas. Getting this big institution to respond to individual requests is sometimes difficult. To get some help in dealing with the department, groups or individuals should contact their elected State board of education member. Each of Texas' 24 congressional districts elects a person to serve on the State board of education. State board members are elected at general elections held every 2 years in compliance with the general laws of Texas. The board members are elected for 6-year staggered terms.[11]

To find out who is your elected representative on the State board of education, you should write or call the commissioner's office in Austin. The commissioner's address is: Commissioner of Education, 201 East Eleventh Street, Austin, Texas 78701.

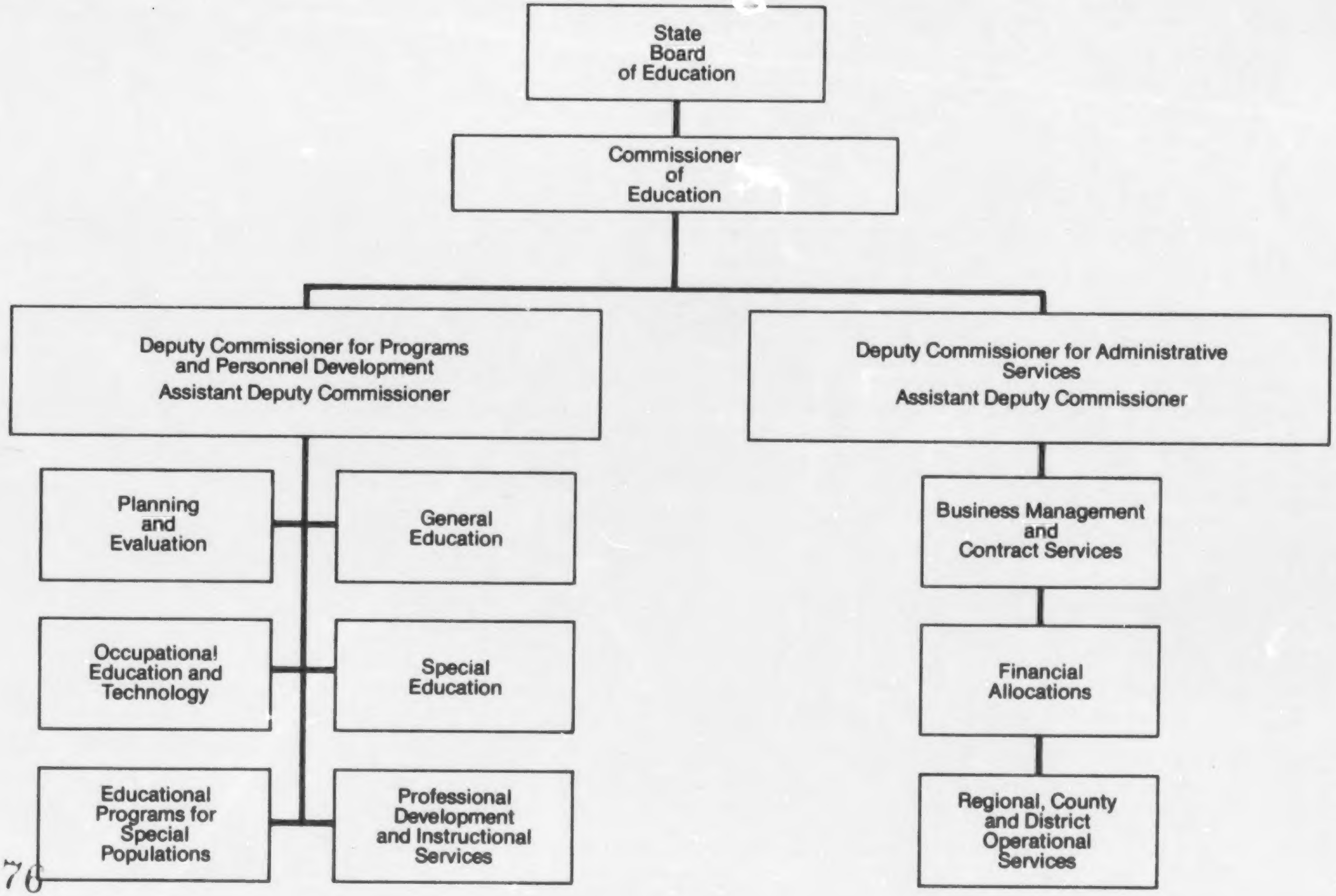
Other important officials you should contact when you need assistance in dealing with the State-level educational bodies are your district's State representative and State senator. A request for information made through their offices for you will probably receive more immediate attention.

The names, addresses, and telephone numbers of these elected officials can be obtained by calling the State capitol's general information number or the office of the secretary of state. Both are in Austin.

Remember that these officials are your elected representatives. They are in office to help you with your problems. Keep in mind, however, that they are busy people. Send them a letter explaining your problem, or try to make an appointment to see them, or both.

Organization of the Texas Education Agency

Figure 9


State Board of Education
Commissioner of Education
Deputy Commissioner for Programs and Personnel Development
Assistant Deputy Commissioner
Planning and Evaluation
General Education
Occupational Education and Technology
Special Education
Educational Programs for Special Populations
Professional Development and Instructional Services
Deputy Commissioner for Administrative Services
Assistant Deputy Commissioner
Business Management and Contract Services
Financial Allocations
Regional, County and District Operational Services

The Board of Education: Your School Board at the State Level

The State board of education is probably the most influential educational policymaking body in Texas. It is this body that dictates to your local school board how your child will be educated.

The law states that "the State Board of Education shall review periodically the educational needs of the State, adopt or promote plans for meeting these needs, and evaluate the achievements of the educational programs."[12]

The State board has several more important functions. These other functions are:

1. **Formulate and present to the Texas Board of Control the proposed budget for operating the minimum foundation program of education, the central education agency, and other programs for which it shall have responsibility.**
2. **Adopt operating budgets on the basis of appropriation by the legislature.**
3. **Establish procedures for budgetary control, expending, auditing, and reporting on expenditures within the budgets adopted.**
4. **Make reports every 2 years covering all the activities and expenditures of the central education agency to the legislature.**
5. **Establish regulations for the accreditation of schools.**
6. **Execute contracts for the purchase of instructional aids, including textbooks, within the limits of authority granted by the legislature.**
7. **Execute contracts for the investment of the permanent school fund, within the limits of authority granted by the legislature.**[13]

The State board also appoints, by and with the consent of the Texas Senate, the Texas Commissioner of Education.[14]

The above powers and duties are broad. As mentioned earlier, it is the practice of the State legislature to rely heavily on the State board, which in turn is assisted by the commissioner and the department of education for guidance in establishing the educational laws of the State.

The State board is in a more advantageous position than the legislature to make decisions affecting the educational system because it is required by law to meet at least six times a year.[15] But, as a matter of practice, it holds about 10 meetings per year. This schedule contrasts sharply with the legislature's schedule of meeting once every 2 years.

The State board's committee structure is important. Much of the State board's business is done at the committee level. The chairperson of the State board appoints members to the permanent standing committees.[16] These committees are: biennial budget, educational personnel; investments; priorities, special education; and vocational education. Other special advisory committees are established as needed.

The commissioner is in charge of scheduling the meetings of the standing committees. The standing committees will often convene on the same day(s) that the entire board is to meet.[17]

It is important to remember that the policy decisions which the State board makes are subject to the approval of the State legislature. One should also understand that in other matters, like interpreting rules and regulations of the Texas Education Code, the State board can act more decisively and quickly.

The State Appeals System: Your Right to Seek Relief

One of the board's most important roles is the one it plays in the educational system of appeals. The State board is the highest body within the Texas public educational structure to which an appeal of a decision can be made.[18] The proper route of appeal for all common school districts, rural high school districts, and independent school districts with fewer than 500 scholastics is shown in figure 10.

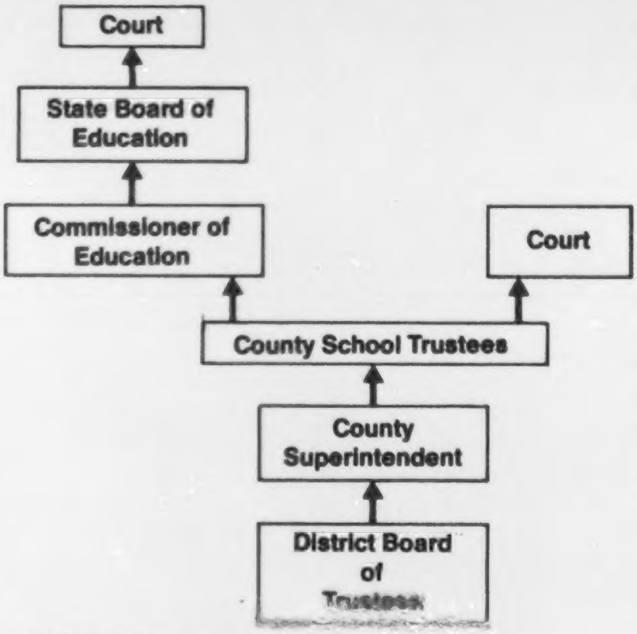
The route of appeal for all independent school districts with 500 or more scholastics is less structured. Figure 11 shows the route of appeal for these districts. The procedures to be followed in filing for a hearing or an appeal both at the State and local level are specific. The steps to follow in calling for these two actions are prescribed by State board policy and procedure and are outlined in appendix B of this handbook.

The *Texas Education Code* contains broad language in describing the appeals that can be made through the above channels. The code states that:

> persons having any matter of dispute among them arising under the school laws of Texas or any person aggrieved by the school laws of Texas or by actions or decisions of any board

Figure 10

State System of Appeals for School Districts Having Less than 500 Scholastics


Court
State Board of Education
Commissioner of Education
Court
County School Trustees
County Superintendent
District Board of Trustees

(5) From the State board of education to a court of competent jurisdiction.

(4) From commissioner of education to the board of education.

(3) From the county school trustees to either (1) commissioner of education, or (b) any court having proper jurisdiction.

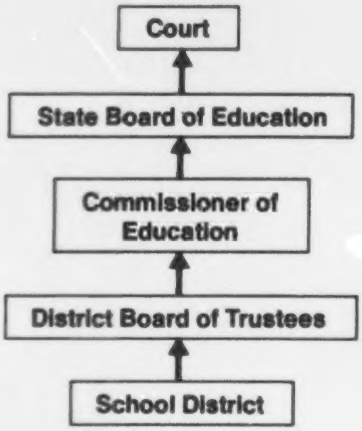
(2) From the county superintendent to county school trustees.

(1) From the district board of trustees to the county superintendent.

Source: V.A.T.S. art. 11.13 and art. 17.63 (Supp. 1974-75).

Figure 11

State System of Appeals for School Districts Having More than 500 Scholastics


Court
State Board of Education
Commissioner of Education
District Board of Trustees
School District

Source: V.A.T.S. art. 11.13 (Supp. 1974-75).

> of trustees or board of education may appeal in writing to the Commissioner of Education, who after due notice to the parties interested, shall hold a hearing and render a decision without cost to the parties involved, but nothing contained in this section shall deprive any party of any legal remedy.[19]

Two items of the preceding statement are important to remember. Notice that the appeal is made first to the commissioner of education and not to the State board. Secondly, reference is made to the fact that the appeal *must be in writing*.

Students and parents should keep in mind that their grievance(s) should first be discussed with the teacher, if possible, and then proceed up the appeal ladder, as mentioned in an earlier chapter of this handbook.

The Commissioner of Education: An Independent Chief Executive

No other person in the Texas public school system has as much discretion to run the educational operations of this State as does the commissioner. All of the commissioner's decisions, however, are subject to the review and approval of the State board.[20] Yet, the State board is highly dependent on the commissioner for advice and counsel.[21]

Like the board, the commissioner also has broad powers and duties. The commissioner is delegated the responsibility:

> for promoting efficiency and improvements in the public school system of the State and shall have the powers necessary to carry out the duties and responsibilities placed upon him by the legislature and by the State Board of Education.[22]

In addition, the commissioner can "recommend to the State Board of Education such policies, rules and regulations as he/she considers necessary to promote educational progress and shall supply information to the State Board of Education."[23]

State Textbook Committee and State Board of Examiners for Teacher Education: The Commissioner's Choice

Two important areas where the commissioner has wide discretion are in the selection of State textbooks[24] and the appointment of members to advisory committees, such as Texas Board of Examiners for Teacher Education.[25] The move by Mexican Americans, blacks, and female groups to improve their public images has focused considerable attention on the process of selection of textbooks used in the public schools. It is the commissioner who nominates the 15 persons who serve on the State textbook committee. The State board has the power to reject or approve these nominations. Eventually, however, the State board must select those persons the commissioner presents to them.[26]

The law states that each of those persons selected for the textbook committee "shall be experienced and active educators engaged in teaching in the public schools of Texas."[27] The law further specifies that:

> at least a majority of the members of the Committee shall be classroom teachers, and all the members shall be appointed because of unusual backgrounds of training and recognized ability as teachers in the subject fields for which adoptions are to be made each year.[28]

The textbook committee recommends to the commissioner a complete list of textbooks that it approves for adoption at the various grade levels and in the various school subjects. The commissioner, in turn, submits this list to the board.[29]

The State board must adopt and approve all textbooks used by any public school. The law also states that: "in each subject of the elementary and high school grades, one or more of the several textbooks of each multiple list adopted may be selected by local school officials."[30]

The same books are used by all the schools in a district. The textbooks selected are used in that school system for the entire period of the adoption, or for a minimum period of not less than 5 years.[31]

There is no law that provides for public input into the selection process of State textbooks. The State board, however, does have a policy of allowing individuals to testify *against* the adoption of certain books during an annual meeting specifically called for this purpose. However, before a person is permitted to testify, he or she must submit a written protest that specifically outlines the item(s) to which he or she is objecting.[32]

The meeting time for such a hearing is arranged by the commissioner in collaboration with the State textbook committee. This meeting is always held in Austin, Texas. Information related to meeting schedules and complaint forms can be obtained by calling the commissioner's office.

The commissioner also selects another advisory commission, the Texas Board of Examiners for Teacher Education. The State board of examiners and the commissioner are authorized to administer: "***the issuance of certificates and the standards and procedures for the approval of colleges and universities offering programs of teacher education."[33] The commissioner of education relies on the professional advice of the board of examiners when submitting her or his recommendations on teacher education to the State board of education.[34]

Since the commissioner selects the board of examiners, he or she can exert considerable influence over this body. Like the selection of textbooks, the certification of teachers—especially bilingual teachers—has been a rapidly surfacing issue. The guidelines that the board of examiners develops and that the commissioner, in turn, transmits to the State board become the standards by which bilingual teachers will be certified.

The meetings of the board of examiners are open to to the public, and interested persons are allowed to testify before this body. The public also is allowed to testify during the State board of education meetings when the recommendations of the board of examiners are discussed and judged.

State Department of Education: Workhorse of TEA

With a staff of about 800, the State education department generates a tremendous amount of information related to the education of Texas public schoolchildren. Although the State education department does not decide what the State's educational policies will be, it does play a significant role in formulating these policies, and, once they are adopted, in interpreting them. The organizational chart in figure 8 gives you an idea of the divisions within the department.

Listed below are the functions that are mandated by the legislature to the department of education:

1. Carry out the mandates, prohibitions, and regulations for which it is made responsible whether by a statute, the State Board of Education, the State Board for Vocational Education, or the Commissioner of Education.
2. Make free and full use of advisory committees and commissions composed of professional educators and/or other citizens of the State; and,
3. Seek to assist local school districts in developing effective and improved programs of education through research and experimentation, consultation, conferences, and evaluation, but shall have no power over local school districts except those specifically granted by statute.

The budgets and fiscal reports filed with the Central Education Agency shall be reviewed and analyzed by the staff of the State Department of Education to determine whether or not all legal requirements have been met and to collect fiscal data needed in preparing school fiscal reports for the Governor and legislature. The Central Education Agency may drop from the list of accredited schools any school district which fails to comply with the laws or the rules and regulations of the State Board of Education applicable to preparation and adoption of the local budget and/or fiscal accounting system of public school districts.[35]

Any calls that are made to the Department of Education concerning State board decisions or other matters (such as questions on guidelines of specific programs or recommendations proposed by educational advisory commissions) are referred to the appropriate division of the department. As noted in the department functions cited above, its staff carries the major educational research burden of the State.

The department also is responsible for assisting local school districts in improving programs of education through research and evaluation. In addition, it reviews and analyzes budget and fiscal reports filed with them by local school districts.[36]

This information is available to the public. Interested persons can ask the department for their own district's evaluation and budget and fiscal reports.

The Texas Open Records Act: Your Right to Know

If questions do arise concerning the release of information by a school governmental body, you should be familiar with the Texas Open Records Act.[37] This comprehensive legislation was signed into law on June 14, 1973. State school governmental bodies are defined in this act as:

> any board, commission, department, committee, agency or office with the executive or legislative branch of State government, or which is created by either the executive or legislative branch of State government, and which is under the direction of one or more elected or appointed members;***[38]

The board of trustees of every school district, every county board of school trustees and county board of education are covered by this law.[39] Public records in this law are defined as: "the portion of all documents, writings, letters, memoranda, or other written, printed, typed, copied or developed materials which contain public information."[40]

There are some exceptions to this act. Sometimes, when a written request for information is made, a governmental body may feel that this information falls within the definition of the exceptions outlined in the law. If there are no previous determinations related to the release of this information, the governmental body has to ask the attorney general for an opinion to determine if the information is exempted. The governmental body must ask for this opinion within a reasonable time, no later than 10 days.[41] As far as the State department of education is concerned, the commissioner would request his legal counselor to ask for this opinion.

Another important point to remember is that when the governmental body refuses to release information that has been judged public or to ask the attorney general for an opinion, the person requesting the information or his or her attorney may seek a court order compelling the governmental body to make the information available to the public.[42]

The kind of public information that is available from a State agency is listed below.

Specific Information that is Public

1. Reports, audits, evaluations, and investigations made of, for, or by governmental bodies upon completion.
2. The names, sex, ethnicity, salaries, title, and dates of employment of all employees and officers of governmental bodies.
3. Information in any account, voucher, or contract dealing with the receipt or expenditure of public or other funds by governmental bodies, not otherwise made confidential by law.
4. The names of every official and the final record of voting on all proceedings in governmental bodies.
5. All working papers, research material, and information used to make estimates of the need for, or expenditure of, public funds or taxes by any governmental body, upon completion of such estimates.
6. The name, place of business, and the name of the city to which local sales and use taxes are credited, if any, for the named person, or persons reporting or paying sales and use taxes.
7. The descriptions of an agency's central and field organization and the established places at which, the employees (and in the case of a uniformed service, the members) from whom, the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions.
8. Statements of the general course and method by which an agency's functions are channeled and determined, including the nature and requirements of all formal and informal procedures available.
9. Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations.
10. Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency.
11. Each amendment, revision, or repeal of 7, 8, 9, and 10 above.
12. Final opinion, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases.
13. Statements of policy and interpretations which have been adopted by the agency.

14. Administrative staff manuals and instructions to staff that affect a member of the public.

15. Information currently regarded by agency policy as open to the public.[43]

In most instances, governmental bodies should provide the copies of public records free of cost, although nominal fees can be charged in some instances for reproducing certain kinds of documents such as certified, legal-sized photographic reproductions.

Texas Open Meetings Act: Your Right to Be Present

Both the Texas Open Meetings and the Open Records Acts can aid individuals in becoming more knowledgeable about their State educational system. The Open Meetings Act,[44] in particular, can enhance citizen awareness in the actual conduct of public school business.

The Open Meetings Act states that "every regular, special or called meetings or session of every governmental body shall be open to the public."[45] The definition of governmental given in the act includes the board of trustees of every school district, every county board of school trustees, and every county board of education.[46]

Although the act is comprehensive, there are certain exemptions to it. These exemptions are:

1. Deliberations to consider the appointment, employment, or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee, unless such officer or employee requests a public hearing;
2. Deliberations pertaining to the acquisition of additional real property; or,
3. Deliberations on matters affecting security.
   (a) A governmental body may exclude any witness or witnesses from a hearing during examination of another witness in the matter being investigated.
   (b) Nothing in this act shall be constructed to affect the deliberations of grand juries.
   (c) The provisions of this act shall not apply to periodic conferences held among members of the governmental body. Such staff meetings will be only for the purposes of internal administration and no matters of public business or agency policies that affect public business will be acted upon.

The act is unique because it specifies that written notice of the date, place, and subject of each meeting held by a governmental body shall be given before the meeting.[47]

State-level educational agencies are required to notify the secretary of state of their meetings. You may call the commissioner of education or the secretary of state for information about meetings at the State level.

Similarly, the governing body of a school district is supposed to post a notice at a place convenient to the public in its administrative office and must also furnish the notice to the county clerk or desk of the county or counties in which the district or political subdivision is located. The county clerk must then post the notice on a bulletin board located at a place convenient to the public in the county courthouse.

The act further states that 3-day notices must be given for all meetings. If an emergency or urgent public necessity arises, however, this advance notice is not required.

In the event that a person wants to stop or prevent violations or threatened violations, the act allows them to seek legal help. Violators of this law are subject to misdemeanor charges and accompanying fines.[48]

Notes to Chapter 5

1. V.A.T.S. Education Code, art. 11.26 (Supp. 1971).

2. *Id.*, art. 11.02(a).

3. *Id.*, art.11.01.

4. *Id.*, art. 11.26.

5. *Id.*, art. 11.26(a).

6. *Id.*, art. 11.63(a)(1).

7. *Id.*, art. 11.25(a).

8. *Id.*, art. 11.02(a).

9. Texas Education Agency, "Administrative Procedures for the Policies of the Texas State Board of Education" (1972), Sec. 1303e(j).

10. Texas Education Agency, "Policies of the Texas State Board of Education" (1972), Sec. 9201.6.

11. V.A.T.S. Education Code, art. 11.21 and art. 11.22 (Supp. 1971).

12. *Id.*, art. 11.26(a).

13. *Id.*, art. 11.26(a)(1)–(7).

14. *Id.*, art. 11.26(c).

15. *Id.*, art. 11.23(a).

16. Texas Education Agency, supra note 10, at sec. 9103.

17. *Id.*

18. V.A.T.S. Education Code, art. 11.13(b) (Supp. 1971).

19. *Id.*, art. 11.13(a).

20. *Id.*, art. 11.25(b).

21. *Id.*, art. 11.26(a).

22. *Id.*, art. 11.52(b).

23. *Id.*, art. 11.52(c).

24. *Id.*, art. 11.26a(6).

25. *Id.*, art. 11.25(f).

26. V.A.T.S. Education Code, art. 12.11(d) (Supp. 1971).

27. *Id.*, art. 12.11(b).

28. *Id.*

29. *Id.*, art. 12.11(e).

30. *Id.*, art. 12.62(b).

31. *Id.*, art. 12.62(c).

32. Texas Education Agency, supra note 9, at sec. 3334.6.1.

33. V.A.T.S. Education Code, art. 13.032(a) (Supp. 1971).

34. *Id.*, art. 13.032(b).

35. *Id.*, art. 11.63.

36. *Id.*, art. 11.63(b).

37. V.A.T.S. art. 6252-17a (Supp. 1975-76).

38. *Id.*, art. 6252-17A sec. 2(1)(A).

39. *Id.*, art. 6252-17a sec. 2(1)(D).

40. *Id.*, art. 6252-17a sec. 2(2).

41. *Id.*, art. 6252-17a sec. 7(a).

42. *Id.*, art. 6252-17a sec. 8.

43. *Id.*, art. 6252-17a sec. 6.

44. V.A.T.S. art. 6252-17 (Supp. 1975-76).

45. *Id.*, art. 6252-17 Sec. 2(a).

46. *Id.*, art. 6252-17 Sec. 1(c).

47. *Id.*, art. 6252-17 Sec. 3(A).

48. *Id.*, art. 6252-17 Sec. 4(a).

Chapter 6

Where and How to File Complaints

This chapter is designed to acquaint you with the procedures for filing complaints, seeking information, and requesting conferences with school officials. Two sections are included in this chapter: sample letters and where to file complaints.

The sample letters are provided to help you correspond with public officials. However, these sample letters should not be copied exactly. Instead, they should be read carefully and the parts that apply to your particular case used. The letters provided are:

1. Sample letter for filing a Title VI (racial or ethnic origin discrimination) complaint with the U.S. Department of Health, Education, and Welfare (HEW).
2. Sample letter for filing a Title IX (sex discrimination) complaint with HEW.
3. Sample letter for requesting a conference or meeting with a teacher or counselor.
4. Sample letter for requesting a conference with a school principal.
5. Sample letter for requesting permission to speak before the school board.

The places where you send complaints for State agencies are listed. Addresses are provided for Title I directors in each State. (No sample Title I complaint letter has been included as there is no set form. A letter simply stating the problem with the appropriate background information such as name, address, name of school, and school district should be sufficient.) Also, addresses are listed for HEW offices where you can file Title VI and Title IX complaints. Finally, a copy of the Equal Employment Opportunity Commission (EEOC) Form 5 for filing charges of discrimination in employment is provided.

Where to File a Title I Complaint

Director
Division of Compensatory Education
Texas Education Agency
201 East 11th St.
Austin, Texas 78701

Where to File Title VI and Title IX Complaints

Department of Health, Education, and Welfare
Office for Civil Rights
1114 Commerce
Dallas, Texas 75202
Telephone: (214) 749-3301

Where to File a Complaint with the Equal Employment Opportunity Commission (EEOC)

Dallas District Office
400-A Lancaster-Keist
Shopping Center, Suite 10
Dallas, Texas 75216
Telephone: (214) 749-1751

The Dallas District Office covers the following Texas counties: Anderson, Archer, Baylor, Bell, Bosque, Bowie, Brown, Callahan, Camp, Cass, Cherokee, Clay, Coleman, Collin, Comanche, Cooke, Coryell, Dallas, Delta, Denton, Eastland, Ellis, Erath, Falls, Fannin, Foard, Franklin, Freestone, Grayson, Gregg, Hamilton, Hardeman, Harrison, Haskell, Henderson, Hill, Hood, Hopkins, Houston, Hunt, Jack, Johnson, Kaufman, Knox, Lamar, Lampasas, Leon, Limestone, McLennan, Madison, Marion, Milam, Mills, Montague, Morris, Nacagdoches, Navarro, Palo, Pinto, Panola, Parker, Rains, Red River, Robertson, Rockwall, Rusk, Shackelford, Shelby, Smith, Somervell, Stephens, Tarrant, Throckmorton, Titus, Upshur, Van Zandt, Wichita, Wilbarger, Wise, Wood, and Young.

Houston District Office
2320 LaBranch, Room 1101
Houston, Texas 77004
Telephone: (713) 226-5611

The Houston District Office covers the following Texas counties: Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Grimes, Hardin, Harris, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton.

San Antonio District Office
727 E. Durango
Federal Building, Suite 601-B
San Antonio, Texas 78205
Telephone: (512) 730-1511, Ext. 4864

The San Antonio District Office covers the following Texas counties: Aransas, Atascosa, Bandera, Bastrop, Bee, Bexar, Blanco, Brazos, Brooks, Burleson, Burnet, Caldwell, Calhoun, Cameron, Comal, Concho, Dewitt, Demmit, Duval, Edwards, Fayette, Frio, Gillespie, Goliad, Gonzales, Guadalupe, Hays, Hidalgo, Jackson, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, LaSalle, Lavaca, Lee, Live Oak, Llano, McCulloch, McMullen, Mason, Maverick, Medina, Menard, Nueces, Real, Refugio, San Patricio, San Saba, Starr, Travis, Uvalde, Val Verde, Victoria, Washington, Webb, Willacy, Williamson, Wilson, Zapata, and Zavala. All other Texas counties are covered by the Albuquerque District Office:

National Bldg., Suite 1717
505 Marguette Ave., N.W.
Albuquerque, N. Mex. 87101
Telephone: (505) 766-2061

Employment Complaint

Instructions for filing a Charge of Discrimination, EEOC Form 5

In order for there to exist a valid charge of discrimination, the following must appear:

1. The reason for discrimination must have been on the basis of race, color, religion, national origin, or sex.
2. The discrimination must have involved one of the following four major groups:
   a. Employers of 15 or more persons.
   b. A labor union with 15 or more members, or which refers persons for employment.
   c. An employment agency dealing with employers of 15 or more persons.
   d. A joint labor-management apprenticeship program of covered employers and unions.
3. The last specific act of discrimination occurred within 180 days of filing the complaint.

Source: San Antonio EEOC District Office

CHARGE OF DISCRIMINATION	EEOC CHARGE NO.	FORM APPROVED OMB NO. 124-R0001

INSTRUCTIONS

If you have a complaint, fill in this form and mail it to the Equal Employment Opportunity Commission's District Office in your area. In most cases, a charge must be filed with the EEOC within a specified time after the discriminatory act took place. IT IS THEREFORE IMPORTANT TO FILE YOUR CHARGE AS SOON AS POSSIBLE. *(Attach extra sheets of paper if necessary.)*

CAUSE OF DISCRIMINATION

☐ RACE OR COLOR ☐ SEX

☐ RELIGIOUS CREED

☐ NATIONAL ORIGIN

NAME *(Indicate Mr. or Ms.)*		DATE OF BIRTH
STREET ADDRESS	COUNTY	SOCIAL SECURITY NO.
CITY, STATE, AND ZIP CODE		TELEPHONE NO. *(Include area code)*

THE FOLLOWING PERSON ALWAYS KNOWS WHERE TO CONTACT ME

NAME *(Indicate Mr. or Ms.)*	TELEPHONE NO. *(Include area code)*
STREET ADDRESS	CITY, STATE, AND ZIP CODE

LIST THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT WHO DISCRIMINATED AGAINST YOU *(If more than one, list all)*

NAME	TELEPHONE NO. *(Include area code)*
STREET ADDRESS	CITY, STATE, AND ZIP CODE

OTHERS WHO DISCRIMINATED AGAINST YOU *(If any)*	

CHARGE FILED WITH STATE/LOCAL GOV'T. AGENCY ☐ YES ☐ NO	DATE FILED	AGENCY CHARGE FILED WITH *(Name and address)*

APPROXIMATE NO. OF EMPLOYEES/MEMBERS OF COMPANY OR UNION THIS CHARGE IS FILED AGAINST	DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE *(Month, day, and year)*

Explain what unfair thing was done to you and how other persons were treated differently. Understanding that this statement is for the use of the United States Equal Employment Opportunity Commission, I hereby certify:

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

DATE	CHARGING PARTY *(Signature)*

Subscribed and sworn to before this EEOC representative.

DATE	SIGNATURE AND TITLE

NOTARY PUBLIC

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE *(Day, month, and year)*

SIGNATURE *(If it is difficult for you to get a Notary Public to sign this, sign your own name and mail to the District Office. The Commission will notarize the charge for you at a later date.)*

EEOC FORM JUN 72 **5** Previous editions of this form may be used.

U.S. GOVERNMENT PRINTING OFFICE : 1973-728-451/1250 3-I
GPO 871-188

Sample Letter Filing A Title VI Complaint

Date:

Department of Health, Education, and Welfare
Branch Chief of Higher Education
Office for Civil Rights
1200 Main Tower Building
Dallas, Texas 75202

RE: Title VI COMPLAINT

Dear Sir:

I would like to file a Title VI complaint with your office because I have been discriminated against on the basis of national origin.[1] The specific incident of discrimination occurred less than 180 days ago.[2] ______________

____

(Describe the specific incident here)[3]

____

It is my belief that this was a discriminatory practice and that it is in contravention to Title VI which prohibits discrimination based on race, color, or national origin in any project or activity receiving Federal funds.

I do not (or do) wish you to use my name in investigating this complaint.

Please keep me informed of any action taken on behalf of this complaint.

Sincerely,

(Sign name)
Return Address
Telephone Number

---

1. Here explain on what basis you were discriminated: race, color, or national origin.

2. If the type of discrimination is ongoing and is continuous, you may not have to file within 180 days although it is always safer to do so within the 180 days.

3. If possible, include the date the alleged discrimination occurred, the person responsible, the person's title and department, your work relationship to the person committing the alleged discrimination, and whether other persons are similarly treated.

Sample Letter

Filing A Title IX Complaint

Date:

Department of Health, Education, and Welfare
Branch Chief of Higher Education
Office for Civil Rights
1200 Main Tower Building
Dallas, Texas 75202

Re: TITLE IX COMPLAINT

Dear Sir:

I would like to file a Title IX complaint with your office because I have been discriminated against on the basis of sex. The specific incident of discrimination occurred less than 180 days ago.[1] ______________________

____

(Describe the specific incident here)

____

____

It is my belief that this was a discriminatory practice and that it is in contravention to Title IX which prohibits discrimination based on sex in any project or activity receiving Federal funds.

I do not (or do) wish to use my name in investigating this complaint.

Sincerely,

(Sign Name)
Return Address
Telephone Number

---

1. If the type of discrimination is ongoing and is continuous, you may not have to file within 180 days although it is always safer to do so within 180 days.

2. If possible, include the date the alleged discrimination occurred, the person responsible, the person's title and department, your work relationship to the person committing the alleged discrimination, and whether other persons are similarly treated.

Sample Letter

Requesting A Conference With A Teacher Or Counselor

Date:

Teacher's Name
______________________ Elementary School
(Address)
____
(City State Zip Code)
____

Dear ______________________:

My son, ______________________, is in your third grade class. I would like very much to meet with you next week to discuss his progress in school. At that time, I would like to see samples of his work in class, his test scores, grades, and any other materials which you feel are pertinent.

I will be happy to meet with you after school any day next week at your convenience.

I look forward to hearing from you.

Very truly yours,

(Sign name)
Return Address
Telephone Number

Sample Letter

Requesting Conference With Principal

Date:

Principal
______________________________ High School
(Address)
____
(City State Zip Code)
____

Dear ________________________:

My daughter, ______________________, is a senior at Knight High School. On April 8, 1975, my daughter informed me that she had been suspended from school. I, however, received no formal notification either as to the suspension, the reasons for the suspension, or the length of time involved.

I would like to meet with you to discuss this matter at your earliest convenience.

Very truly yours,

(Sign name)
Return Address
Telephone Number

Sample Letter

Requesting Permission to Speak Before the School Board

Date:

President of School Board
Address ______________________________
City State Zip Code
____

Dear ____________________:

My name is ____________________ and I live at ________________________. I would like to be placed on the agenda to appear before the school board at the next meeting of the board. I plan to discuss ____
____
____.

Please notify me when the next meeting is to be held and the approximate time when I can expect to speak. My telephone number is ____________________.

Sincerely,

(Sign name)

Appendix A

Dealing with People in the Education Pyramid

In chapter 1 an illustration is given of the education pyramid showing the United States Constitution as the basic foundation. By examining each level of the pyramid, it is possible to identify the roles of key individuals and government bodies involved in public education.

A slightly different picture, which shows the many people who influence public education, is provided as figure A in this summary. You will note how many different people at different levels are involved in education. Some are involved directly, others indirectly. Some are involved constantly, others infrequently. The challenge presented to a student(s) or parent(s) is in dealing with the many people at all levels of the education pyramid.

To help you understand how you can deal with people responsible in one way or another for what happens in the schools, we have prepared an action guide for your use. This action guide is actually a summary of the material provided in chapters 1 and 3. The summary lists possible decisions or actions of individuals in the various levels of the pyramid, ways in which you can influence their decisions or actions, and some suggestions on what you can do if you are not satisfied with the results. For example, you will note that (1) a teacher might discipline a student; (2) a parent might confer with the teacher about the action; and (3) the parent might go to the principal if not satisfied with results of the conference with the teacher. If, after conferring with the principal, the parent is still not satisfied, there are several other steps that can be taken, including meetings with the superintendent and the school board. Also open as a possibility is court action, if the right circumstances exist.

The summary does not include the possible actions under every possible circumstance. Rather it provides some examples for consideration. The decision on what actions to take and their results depends on the individuals involved and many other factors which cannot be covered here due to limited space. The important thing to remember is that there are ways to improve schools, resolve special problems, and protect your rights as a student or parent.

Suggestions for Dealing with People in the Education Pyramid

Teacher

Examples of Decisions or Actions

1. Disciplines child by scolding, giving special assignment, excluding from class, etc.
2. Assigns student to a special group in the class.
3. Prepares and submits items for the student's school record.
4. Assigns homework.
5. Schedules field trips and outside speakers.
6. Involves parents in class activities.
7. Meets with parents on student progress and problems.
8. Requires students to buy extra materials.
9. Tests student's progress.
10. Acts as sponsor or advisor to student clubs.
11. Teaches student, decides to pass or fail student.
12. Recommends: student discipline to principal, placement in ability groups, textbooks and teaching materials, need for special programs.

Ways to Influence Them

1. Have a conference at beginning of school year to discuss mutual expectations.
2. Have conference after incident, problem occurs.
3. Follow up with note or letter.
4. Participate as a classroom volunteer.
5. Have conference with principal to discuss concerns, suggestions.
6. Get other parents to get involved in class activities.
7. Get teacher involved in neighborhood activities.

What to do If not Satisfied with Results

1. File an official complaint with principal.

2. Notify superintendent of dissatisfaction and reason.
3. Notify school board of dissatisfaction and reason.
4. Petition to have teacher reprimanded, transferred and/or dismissed.
5. Go to court if you believe law or constitution has been violated.

Counselor or Attendance Officer

Examples of Decisions or Actions

1. Disciplines student; works with "problem" cases.
2. Administers and rates psychological and intelligence tests.
3. Provides career guidance and recommends college or vocational courses.
4. Provides adjustment counseling.
5. Investigates truancy.
6. Reviews home environment, meets with parents.
7. Prepares items for student's records.
8. Recommends: discipline, suspension, expulsion, group assignment, special education, new programs.

Ways to Influence Them

1. Have conference at beginning of school year.
2. Have conference when you believe there is a problem.
3. Follow up with note or letter.
4. Ask to see student's record.
5. Ask for justification when you see unfavorable items.
6. Get other parents to do the same.
7. Get counselor/attendance officer involved in neighborhood activities.

What to do if not Satisfied with Results

1. File official complaint with principal.
2. Notify superintendent of dissatisfaction and appeal, if necessary.
3. Notify school board of dissatisfaction and appeal, if necessary.
4. Petition to have counselor reprimanded, transferred, or dismissed.
5. Go to court if you believe law or constitution has been violated

Principal

Examples of Decisions or Actions

1. Disciplines student.
2. Reviews disciplinary action of teachers.
3. Expels and suspends students.
4. Approves student assemblies.
5. Administers district policy on student behavior and dress codes.
6. Approves extracurricular activities.
7. Supervises school staff.
8. Responsible for school goals and objectives.
9. Supervises curriculum.
10. Assigns personnel within the school.
11. Authorizes ability grouping and tracking.
12. Oversees facility and equipment maintenance.
13. Works with parents and total community.
14. Purchases school materials.
15. Initiates new programs and activities.
16. Interprets district policies.
17. Recommends: special programs, teacher training, personnel, materials, building needs.

Ways to Influence Them

1. Have a conference at the beginning of school year.
2. Have a conference when you do not get favorable results from teacher or counselor.
3. Participate in PTA and other school activities.
4. Get other parents involved in school activities.
5. Have group meetings with principal.
6. Get principal involved in community activities.
7. Participate in advisory committees.

What to do if not Satisfied with Results

1. File official complaint with superintendent.
2. Notify school board of dissatisfaction and appeal, if necessary.
3. Petition to have principal reprimanded, transferred, or dismissed.
4. Go to court if you believe law or constitution has been violated.

Superintendent

Examples of Decisions or Actions

1. Disciplines students.
2. Reviews disciplinary actions of principals.
3. Expels and suspends students.
4. Develops curriculum.
5. Plans new facilities, including location.
6. Purchases equipment, supplies, and services.
7. Develops school budget.
8. Supervises tax assessment and collection.
9. Makes personnel assignments.

10. Works with parents, organized groups, and media.
11. Responsible to school board and recommends: attendance boundaries, budget allocations, tax rates, faculty requirements and standards, employment policies, district goals and objectives, Federal programs.
12. Works with State and Federal agencies.
13. Appoints advisory committees.

Ways to Influence Them

1. Get school board to pass favorable policies.
2. Get school board to appoint favorable superintendent.
3. Get appointed to advisory committees.
4. Participate in an influential community organization interested in education.
5. Have conferences with superintendent.
6. Meet and work with administrative staff.
7. Get influential people to support your efforts.
8. Show the numerical and political strength of your efforts.

What to do if not Satisfied with Results

1. File official complaint with school board.
2. Notify State agency of dissatisfaction.
3. Petition to have superintendent reprimanded or dismissed.
4. Ask Federal agencies or courts to intervene if you believe law or constitution has been violated.
5. Develop public opinion against results.
6. Participate in next election campaign.

School Board

Examples of Decisions or Actions

1. Hire and supervise district superintendent.
2. Establish employment policies.
3. Establish district policies, goals, and objectives.
4. Approve core curriculum.
5. Approve facility plans and location.
6. Contract with consultants.
7. Approve Federal program applications.
8. Establish tax ratios and rates.
9. Hold appeals hearings.
10. Instruct superintendent to initiate new programs.
11. Establish school budget.
12. Establish attendance areas.
13. Approve ability grouping, tracking, and testing practices.
14. Set policy on bilingual education.
15. Develop plans for desegregation and equal education.
16. Appoint advisory committee.

Ways to Influence Them

1. Try to get favorable candidates elected.
2. Get to know board members.
3. Have board members participate in your neighborhood or group activities.
4. Get superintendent to recommend in your behalf.
5. Appear and speak at board meetings.
6. Present facts supporting your position.
7. Get others to meet, write, and speak.
8. Develop public opinion in your behalf.
9. Remind them of State and Federal legal requirements.
10. Get favorable appointments on advisory committees.

What to do if not Satisfied with Results

1. Appeal to State education agency.
2. Appeal to State board of education.
3. Ask State courts to intervene if you believe laws or constitution have been violated.
4. Ask Federal agencies or courts to intervene if you believe laws violated.
5. Develop public opinion against results.
6. Participate in next election campaign.

City, County

Examples of Decisions or Actions

1. Provide school funds in some cases.
2. Enforce juvenile laws.
3. Handle juvenile probation.
4. Provide building permits.
5. Establish and enforce local health codes and permits.
6. Build and maintain streets, drainage, parks, and sidewalks.
7. Can be involved in assessment and collection of taxes.
8. Implement neighborhood redevelopment programs.

Ways to Influence Them

1. Try to get favorable candidates elected.
2. Write letters with your ideas, concerns, suggestions, needs, and requests.
3. Attach and present views at meetings.

4. Invite officials to local meetings and inspection tours.
5. Get others to write letters and attend meetings.
6. Present facts supporting your position.
7. Get appointed to advisory boards and committees.
8. Present petitions.

What to do if not Satisfied with Results

1. Appeal staff decisions to elected officials.
2. Seek court intervention if you believe laws violated by decision or action.
3. Develop public opinion against results.
4. Present new facts in your behalf.
5. Participate in next election campaigns.
6. Seek U.S. agency or court involvement if U.S. laws or Constitution violated.

Local Courts

Examples of Decisions or Actions

1. Rule on violations of local ordinances and charters.
2. Rule on certain public safety issues such as traffic laws, physical violence, and vandalism.
3. Rule on certain civil cases, such as small claims, marriage, etc.

Ways to Influence Them

1. File complaints with city or county district attorney seeking intervention in your behalf.
2. Get a public service or civil rights legal organization to represent you.
3. Engage a private attorney to represent you.
4. Help prepare backup information to prove your point—statements, historical facts, statistics, witnesses, and expert testimony.

What to do if not Satisfied with Results

1. Appeal to next higher court.
2. Ask U.S. court to intervene, if you believe Federal law or Constitution violated.
3. Work for or against election or appointment of judges.
4. Work to get laws, ordinances amended.

State Education Agency

Examples of Decisions or Actions

1. Assist local districts through conferences, consultation, evaluation, and research.
2. Review local district budgets and policies to ensure legal compliance.
3. Recommend policies, rules, and regulations to the State board.
4. Establish uniform system of forms, reports, and records for local schools.
5. Issue teaching certificates.
6. Issue vouchers for expenditures.
7. Report to State board.
8. Issue instructions and opinions to local districts.
9. Use consultants and advisory committees.
10. Approve textbooks.
11. Hear appeals. I13Ways to Influence Them
1. Get to know staff members.
2. Request that system be established to consider your views.
3. Get appointed to advisory committee.
4. Write letters requesting ideas and information related to local problems.
5. Get local school district to recommend favorably.
6. Ask staff members to visit your schools.
7. File an official complaint concerning schools.
8. Get State board to issue favorable instructions.
9. Coordinate with education organizations.
10. Get State legislator to support your efforts.

What to do if not Satisfied with Results

1. Appeal to State board.
2. Appeal to Federal agency, if Federal law involved.
3. Appeal to Federal court, if U.S. Constitution violated.
4. Get Governor to take corrective action.
5. Get legislator to pass more favorable law or amendment.
6. Present new evidence to support your position.

State Board

Examples of Decisions or Actions

1. Allocate State education funds to local districts.
2. Appoint advisory committees.
3. Establish State education goals, objectives, policies.
4. Recommend State education budget.
5. Ensure budget controls.
6. Execute contracts.
7. Appoint the commissioner of education (in some States).
8. Make regular reports to the legislature.
9. Establish regulations for the accreditation of schools.
10. Prescribe rules for certification of teachers.

11. Hear appeals.

Ways to Influence Them

1. If elected, campaign for favored candidates.
2. If appointed, campaign for favorable appointments.
3. Get State commissioner to recommend favorably.
4. Get local school district to recommend favorably.
5. Seek appointment to advisory committees.
6. Write letters on specific issues.
7. Get legislature to pass favorable laws.
8. Present evidence supporting your position.
9. Get others to do the same.
10. Get Governor, attorney general, and State legislators to support your efforts.
11. Attend meetings.

What to do if not Satisfied with Results

1. Seek intervention by Federal agency or court if U.S. laws or Constitution violated.
2. Seek State court intervention if State laws or constitution violated.
3. Present new facts to support your position.
4. Develop public opinion against results.
5. Participate in next election or appointment.

Governor

Examples of Decisions or Actions

1. Establish office within the executive branch to study educational problems.
2. Develop educational policies and programs.
3. Develop educational budgets.
4. Recommend allocation of general revenue sharing funds.
5. Coordinate with State education agency.
6. Supervise State police force.
7. Sign or veto laws on education.
8. Support suggestions and ideas through speeches, TV and radio, press conferences, reports, interviews.

Ways to Influence Them

1. Participate in election campaign.
2. Send letters with your ideas, concerns, suggestions, needs, requests.
3. Meet with staff.
4. Meet with Governor.
5. Submit evidence to support your position.
6. Get others to meet and write.
7. Get his friends and supporters to speak in your behalf.
8. Develop favorable public opinion.

What to do if not Satisfied with Results

1. Write followup letters.
2. Have followup meetings.
3. Present new facts to support your position.
4. Develop public opinion against results.
5. Consider court action if results unlawful or unconstitutional.
6. Work in election campaign.

State Legislature

Examples of Decisions or Actions

1. Establish special commissions to study educational problems.
2. Conduct hearings through house and senate education committees.
3. Pass laws establishing regulations and programs relating to education.
4. Study needs regarding educational policy, school finance, transportation, and special programs.

Ways to Influence Them

1. Write letters with your ideas, concerns, suggestions, needs, requests.
2. Meet with members and their staffs.
3. Get others to meet and write letters.
4. Provide testimony before committees.
5. Participate in election campaigns.
6. Convince close friends and supporters to speak in your behalf.
7. Hire a lobbyist.
8. Coordinate efforts with other groups to lobby.
9. Work with Governor and lieutenant governor.
10. Develop favorable public opinion.

What to do if not Satisfied with Results

1. Write followup letters.
2. Visit office and talk to member and staff.
3. Present new facts to support your position.
4. Participate in election campaign.
5. Consider court intervention if results unconstitutional.

State Courts

Examples of Decisions or Actions

1. Hear cases based on violations of State laws and constitution.

2. Issue injunctions (stop certain actions or practices).
3. Rule on legality of school board elections (State election codes).

Ways to Influence Them

1. File complaints with district attorney or State attorney general seeking court involvement in your behalf.
2. Get a public service or civil rights legal organization to represent you.
3. Engage a private attorney to represent you.
4. Help prepare backup information to support your position: statements, historical facts, statistics, witnesses, and expert testimony.

What to do if not Satisfied with Results

1. Appeal to next higher court.
2. Ask U.S. court to intervene based on constitutional grounds.
3. Work for or against elected judges during campaigns.
4. Work to get new laws or amendments to correct problem.

Federal agencies

Examples of Decisions or Actions

1. Issue regulations to implement laws.
2. Set standards for use of Federal funds.
3. Receive, review, and approve applications for Federal funds.
4. Conduct reviews of State and local compliance with applicable Federal laws.
5. Review and approve certain State and local policies and procedures.
6. Conduct investigations and issue reports.
7. Provide training and technical aid.

Ways to Influence Them

1. Review and submit suggestions on draft regulations.
2. Write letters requesting information, providing suggestions, asking for their review.
3. File official complaints for agency to investigate.
4. Visit their offices.
5. Request special meetings.
6. Testify at hearings.

What to do if not Satisfied with Results

1. Notify next higher level official.
2. Write to Member of Congress or Senator.
3. Write to agency head or secretary.
4. Write to President.
5. Bring public attention to problem.

Congress

Examples of Decisions or Actions

1. Pass laws protecting civil rights.
2. Pass laws establishing education programs and providing funds.
3. Conduct committee hearings to study issues, problems, results, needs.
4. Write letters of inquiry in behalf of constituent's complaints, requests.
5. Support programs, ideas, suggestions, issues through letters, speeches, TV and radio, interviews, meetings, press conferences.

Ways to Influence Them

1. Write letters with your ideas, concerns, suggestions, needs, requests.
2. Meet with members or their staff.
3. Get others to write letters.
4. Provide testimony before committees.
5. Participate in election campaigns (on the winning side).
6. Convince close friends and supporters to speak in your behalf.

What to do if not Satisfied with Results

1. Write followup letters.
2. Visit office and talk to staff.
3. Present new facts to support your position.
4. Participate in election.

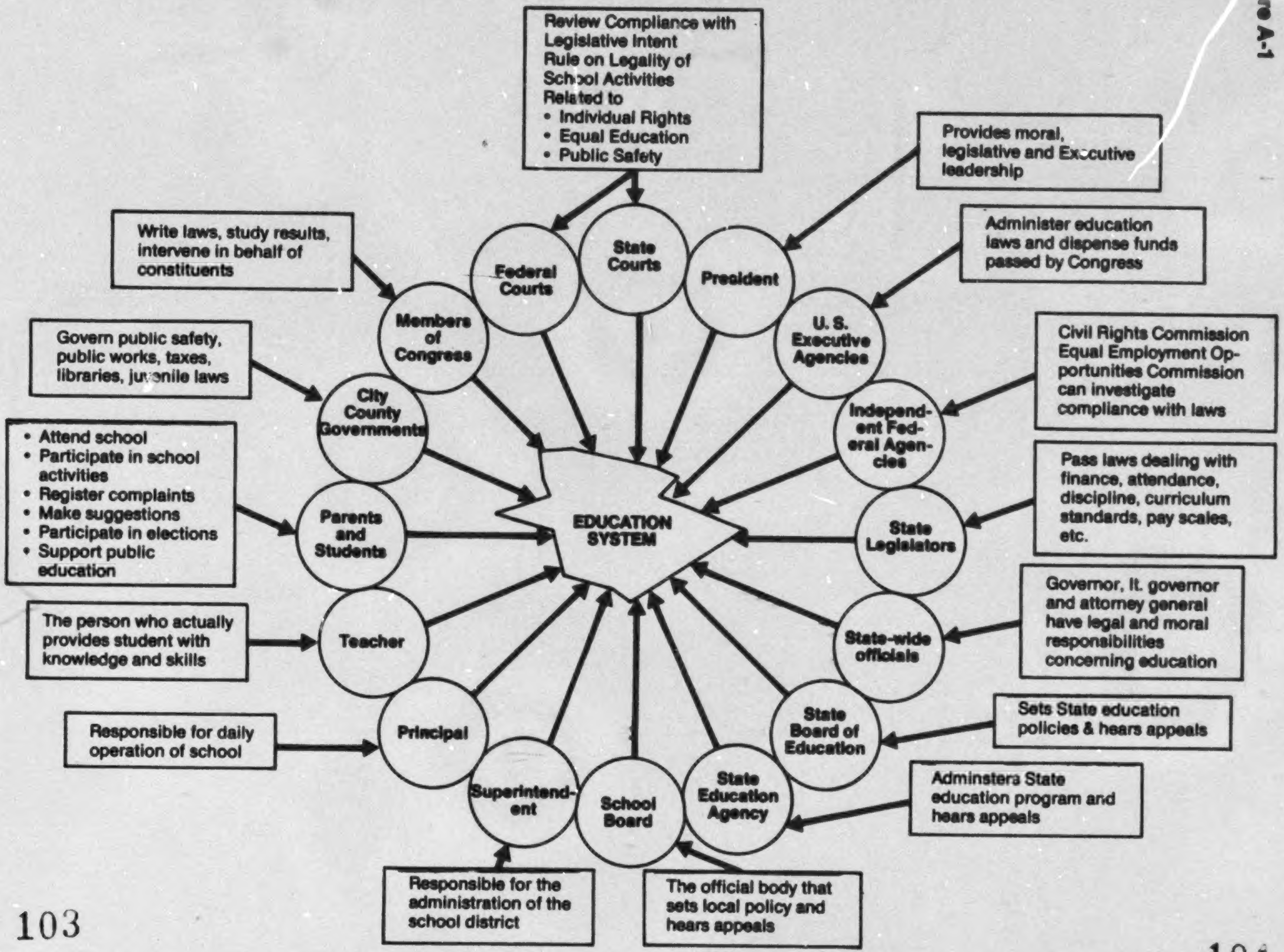
U.S. Courts

Examples of Decisions or Actions

1. Hear cases based on violations of the Civil Rights Act, the Constitution, and other Federal laws.
2. Rule on unlawful segregation and denial of equal educational opportunity.
3. Issue injunctions (stop certain actions or practices).
4. Rule on plans acceptable for desegregation of schools.
5. Rule on legality of selecting school board members (single or multimember districts).
6. Pass on legality of school official's decisions, policies, and practices regarding the constitutional rights of students (dress codes, discipline).

Many People, at Many Levels, are Involved in Public Education

Figure A-1


EDUCATION SYSTEM
Federal Courts
State Courts
President
U. S. Executive Agencies
Independent Federal Agencies
State Legislators
State-wide officials
State Board of Education
State Education Agency
School Board
Superintendent
Principal
Teacher
Parents and Students
City County Governments
Members of Congress

Review Compliance with Legislative Intent
Rule on Legality of School Activities Related to
- Individual Rights
- Equal Education
- Public Safety

Provides moral, legislative and Executive leadership

Administer education laws and dispense funds passed by Congress

Civil Rights Commission Equal Employment Opportunities Commission can investigate compliance with laws

Pass laws dealing with finance, attendance, discipline, curriculum standards, pay scales, etc.

Governor, lt. governor and attorney general have legal and moral responsibilities concerning education

Sets State education policies & hears appeals

Adminstera State education program and hears appeals

The official body that sets local policy and hears appeals

Responsible for the administration of the school district

Responsible for daily operation of school

The person who actually provides student with knowledge and skills

- Attend school
- Participate in school activities
- Register complaints
- Make suggestions
- Participate in elections
- Support public education

Govern public safety, public works, taxes, libraries, juvenile laws

Write laws, study results, intervene in behalf of constituents

Ways to Influence Them

1. File complaints with Department of Justice, seeking court involvement in your behalf.
2. Get a public service or civil rights legal organization to represent you.
3. Engage a private attorney to represent you.
4. Help prepare backup information to prove your point to the courts: statements, historical facts, statistics, witnesses, and expert testimony.

What to do if not Satisfied with Results

1. Appeal to the next higher court.
2. Present new evidence supporting your contentions.
3. Work to get new laws or amendments to correct problem.

Appendix B

Procedures on Hearings and Appeals

CHAPTER 7, SERIES 7100
(STATE BOARD OF EDUCATION, ADOPTED MAY 1972)

7101 *Hearings and Appeals Generally*

7102 *Hearings*

7102.1 *Before Local Governing Boards and Trustees*

Local governing boards and trustees shall adopt written procedures providing for orderly hearings and appeals of aggrieved parties including the following:

(1) In grievances or controversies involving administrative actions or problems of local school districts, aggrieved parties should be afforded a full hearing, as hereinafter prescribed in Policy 7102.3, before the board of trustees of the district provided request in writing has been timely filed by aggrieved party or parties as prescribed in Policy 7102.3.

(2) The procedures for local hearings and appeals as prescribed in Chapter 13, Subchapter C, Texas Education Code, apply to appeals involving teacher contracts only in those school districts which have adopted the provisions of the probationary or continuing contract laws and contract their teachers as prescribed in Chapter 13, Subchapter C of the Texas Education Code.

(3) In controversies involving original administrative actions under the jurisdiction of the county superintendent, aggrieved parties should be afforded the same type of hearing, when timely requested in writing, before the county superintendent, as prescribed in Policy 7102.3.

(4) In controversies involving original administrative actions under the jurisdiction of the county school trustees, aggrieved parties should be afforded the same type of hearing before the county school trustees in the manner and under the conditions prescribed in Policy 7102.3.

(5) Where hearings have been locally afforded and held as recommended in this administrative procedure, no matter involved therein will be heard by the Commissioner of Education except after timely appeals have been taken as provided by these administrative procedures.

7102.2 *Before the Commissioner of Education and the State Board of Education*

In any controversy arising under the provisions of the Texas Public School Laws in which the State Commissioner of Education has original administrative jurisdiction, aggrieved parties shall be entitled to a hearing before such Commissioner, at which hearing such parties shall be entitled to appear and/or be represented by counsel of their choice and opportunity to present sworn testimony.

In any controversy involving decisions of the Commissioner of Education (7103.2 and 7103.3) and including decisions rendered after a hearing as provided in this series, the aggrieved parties are entitled to a hearing before the State Board of Education, at which hearing such parties are entitled to appear and/or be represented by counsel of their choice, provided however, that all testimony and evidence pertaining to the controversy is fully completed on a hearing before the Commissioner of Education, or before someone designated by the Commissioner to hear the testimony and evidence, for the purpose of preparing a record as prescribed in Policy 7102.3 (Re: Textbook Protest, Complaints, and Hearings, see Policy 3334.6).

7102.3 *Procedural Requirements*

The aggrieved party shall file a request in writing with the officer or board for a hearing, which shall identify the ruling, action, or failure to act complained of; such requests shall be filed within fifteen (15) days of the date on which notice of such action or ruling is communicated to the person requesting the hearing.

Upon receipt of such written request for a hearing, the officer or board with whom the request is filed shall set a time and place for the hearing, which time shall not be less than fifteen (15) days nor more than thirty (30) days from the date on which such request is filed and shall give notice of the time and place of the hearing in writing to all interested parties. The date of the hearing may be postponed or extended by mutual agreement of the parties, with the consent of board or officer.

All interested parties shall have the right to be represented by counsel of their own choosing, to present such witnesses and documentary evidence as may be pertinent, and to cross-examine witnesses offered by other parties.

All parties shall be afforded the opportunity for reasonable oral argument, and shall be permitted to file typewritten, mimeographed, or printed briefs. Copies of all briefs, notices, and requests shall be furnished the opposing parties.

Upon the request of party or parties the officer or board conducting such hearings shall cause the testimony presented on the hearing to be reduced to writing but, as a condition to compliance with the request, may require the requesting party to pay the actual cost of preparing a written record of the evidence.

When a decision is announced in the presence of the aggrieved party or his counsel at the hearing, the announced decision shall constitute communication thereof to the aggrieved party; when the decision is not announced at the hearing in the presence of the aggrieved party or his counsel, the decision shall be communicated to the party in writing.

Except as provided herein, no costs shall be assessed against any party to the hearing.

7103 *Appeals*

7103.1 *Provision for Appeal*

After a hearing has been held as provided in Policy 7102 and a decision has been rendered, any party to that hearing may appeal the decision.

7103.2 *Route of Appeal*

For all common school districts, rural high school districts, and independent school districts with fewer than 500 scholastics, the proper route of appeal is:

(1) from a district board of trustees to the county superintendent;

(2) from the county superintendent to the county school trustees;

(3) from the county school trustees to either:

(1-1) the Commissioner of Education; or

(1-2) any court having proper jurisdiction of the subject matter;

(4) from the Commissioner of Education to the State Board of Education; and

(5) from the State Board of Education to a court of competent jurisdiction.

For all independent school districts with 500 or more scholastics, the proper route of appeal is:

(a) from a district board of trustees to the Commissioner of Education;

(b) from the Commissioner of Education to the State Board of Education; and

(c) from the State Board of Education to a court of competent jurisdiction.

(Request for Reporting a Court Decision Following a Hearing, Policy 7107)

7103.3 *Procedure for Appeal*

The Procedure for Appeal shall be as follows:

(1) From a decision of a district board of trustees, county superintendent, or Commissioner of Education an appeal may be made by filing written notice within thirty (30) days from the date the decision is communicated to the party making the appeal.

(2) From the decision of the county school trustees, an appeal may be made by filing suit in any court having proper jurisdiction of the subject matter or by filing written Notice of Appeal with the Commissioner of Education, in either case, within *five* days from the final decision of the county school trustees.

(3) From the decision of the State Board of Education, an appeal may be made as provided in Section 11.13(c), Texas Education Code.

7103.4 *Record of Appeal*

The procedural requirements for record of appeal shall be as follows:

(1) After Notice of Appeal has been given, it is the responsibility of appellee to file with the board or officer to which the appeal is properly and timely taken, the record of such appeal within thirty (30) days from the date such written Notice of Appeal has been duly filed or delivered. Record shall consist of the following instruments, certified as true and correct:

(1-1) written request for a hearing, if any;
(1-2) order fixing time and place for hearing and notices of such, if any;
(1-3) decision of officer or board from which appeal is taken;
(1-4) copy of Notice of Appeal;
(1-5) copies of all petitions, answers, briefs, written arguments, and documentary evidence filed or presented by any of the parties;
(1-6) written record of evidence presented at the hearing as provided in Policy 7102.3, where requested, at the expense of the party requesting same, or where board desires to furnish same at its own expense;
(1-7) the record received from any other board or officer rendering a decision on a previous hearing or appeal.

(2) Any officer or board with which any instruments are filed shall furnish for the record the above, without cost to the appealing party, except the written record of the evidence as herein provided.

(3) After the record of the appeal has been provided to or prepared by the board or officer, the board or officer shall immediately transmit the record to the board or officer to which the appeal is taken.

(4) Upon receipt of the record of an appeal the board or officer to which an appeal is taken shall fix a time and place for the hearing. The date shall be not less than 15 nor more than 45 days after the receipt of the record of the appeal, and the board or officer shall immediately notify in writing all interested parties of the time and place of the hearing.

7103.5 *Testimony and Evidence*

At an appellate hearing, any interested party to the appeal may file a typewritten, mimeographed, or printed brief in at least five copies; may be represented in person or by counsel of his own choosing; may present reasonable oral argument and be afforded an opportunity to present additional documentary or sworn oral testimony which has not been previously introduced at some previous hearing or appeal, provided that no additional testimony or documentary evidence may be presented on appeals to the State Board of Education.

Appeals to the State Board of Education shall be considered on the record, briefs and oral arguments only. In appeals to the State Board of Education, if the appellants desire to submit written briefs they must do so within 25 days from the date Notice of Appeal was filed with the Commissioner of Education. Reply briefs may be submitted within 35 days from the date Notice of Appeal was filed with the Commissioner of Education. If either party desires to make an oral argument before the State Board of Education, he makes a request for the same not less than ten days prior to the date set for the hearing before the State Board of Education. Where additional testimony is received upon any appeal, either party, upon payment of the cost thereof, is entitled to a written record of the testimony as provided in Policy 7102.3.

7103.6 *Rendering a Decision*

Any officer or board hearing an appeal shall render its decision in a reasonable time. Any aggrieved party may take his appeal as provided from the decision of any board or officer.

When an appeal is heard before the State Board of Education, applicable excerpts from the official minutes of the Board meeting at which the appeal decision is rendered shall be sent to both parties, or their counsels, involved with the appeal. The excerpts reflecting the action of the State Board of Education in the appeal shall be certified as true and correct and forwarded by the Commissioner of Education.

Where an appeal is heard before the State Board of Education, the Commissioner of Education sends the applicable excerpts of the minutes and certifies the decision of the Board.

Where any board or officer has refused to afford any aggrieved party a hearing as recommended in Policy 7102, the aggrieved party or parties may appeal from the action, locally administrative or appellate, as provided in this administrative procedure.

7103.7 *Rehearings and Subsequent Remedies*

After a decision of the Commissioner of Education has been rendered, the losing party may file within thirty (30) days, and not thereafter, a motion for rehearing which the Commissioner of Education may grant upon good cause shown. However, such motion for rehearing shall not be a prerequisite for an appeal to the State Board of Education from the decision of the Commissioner of Education. If such motion for rehearing is granted by the Commissioner of Education, rehearing shall be conducted as set forth previously.

Nothing contained in the policies and administrative procedures for this series shall be intended or shall be construed to deprive any party of a direct legal remedy in the courts where and if the laws provide therefor.

7107 *Request for Reporting a Court Decision Following a Hearing*

At the same time that the Commissioner of Education certifies the decision of the State Board of Education (Policy 7103.6) or renders his decision, he also requests that both parties report the court, the filing date, and the final renditions of any judicial settlement. The Commissioner of Education provides the State Board of Education information regarding judicial decisions reported to him. This information is also filed and made available by the legal counselor of the Texas Education Agency.

(Source: State board of education.)

Appendix C

Evaluation Checklist

The primary function of any school is to help prepare its students for life in a society made up of many different cultural, racial, and ethnic groups. In this respect, the school plays an important role in shaping the culture, values, and outlook of its students by presenting favorably or unfavorably certain ideas, lifestyles, and customs. The content of many courses and the persons portrayed in them indicate to students models and ideals to which they should aspire. What this means is that no school can be neutral or impartial. It must necessarily reflect value judgments that significantly affect a student's perception of himself or herself, and of society in general.

This evaluation checklist is based on this idea. It has been prepared to help you in evaluating a particular school. Each of the sections in the checklist is designed to focus in on specific issues by directing you to suggested key questions that should be asked when evaluating a school.

Because of the complexity of the issues involved and the fact that no two schools are alike, this checklist can never be complete. Although every effort has been made to make this list of questions as comprehensive as possible, there may be instances where you will have to add to it in order to make it more relevant to your needs.

General Instructions

Members of the committee involved in this evaluation effort should first consider the section on "Evaluating Schools: Basic Assumptions" in chapter 4, which provides the basis or point of reference for this kind of undertaking.

Second, the committee should carefully review the evaluation process model in chapter 4. The value of this model is that it indicates the steps that the committee needs to consider in developing an evaluation strategy.

Third, the committee as a whole should read the entire handbook before undertaking the evaluation. This will provide members of the committee with a broader outlook on the kinds of issues to consider in evaluating schools.

Modifications can be made in the checklist and evaluation items if such changes will make them more consistent with the characteristics of the school and its community.

The major points of this evaluation are: (1) the school and its relationship to all people living in a certain community or neighborhood; (2) the school's general philosophy and objectives; (3) the school's educational program; and (4) the involvement of parents in school operations. Therefore, section I of this checklist, "Basic Commitments," and section II, "The School and Its Community," should be kept in mind throughout the evaluation process.

The evaluation committee should ask three basic questions: "How well does this school perform with respect to a particular program or operation?" "How does it perform in comparison to programs and operations in other schools?" "Is the school responsive to the needs of its students and their parents?"

The committee should realize that it is attempting to appraise the total school environment. Generally speaking, this involves the evaluation of goals, curriculums, attitudes, parental involvement, etc., and their impact on the student, the parent, and the community at large. Therefore, it is crucial that members of the evaluation committee undertake this effort in a serious manner. They should observe, visit, and inquire for the purpose of getting as complete a view of the work of the school as possible.

Guidelines for Determining Ethnic and Racial Groupings

Wherever ethnic and racial data are required, it is suggested that you seek the information either from school records or through visual means. For the purpose of this checklist, you can use the following classifications:

1. *Spanish-surnamed American:* Persons considered in school or community to be of Mexican, Central American, Cuban, Puerto Rican, Latin American, or Spanish-speaking origin.

This group is often referred to as Mexican American, Chicano, or Spanish American; local usage varies greatly. For the purpose of this checklist, the terms "Mexican American" and "Spanish-surnamed American" are used interchangeably. (The term Mexican American refers to persons whose parents or ancestors immigrated to the United States from Mexico. The term Chicano is used interchangeably with the term Mexican American. In recent years, Chicano has gained greatest acceptance among younger Mexican Americans. The term Spanish surname or surnamed is used to refer to all persons of Spanish surname in the United States, except when such persons are referred to specifically by national origin; i.e., Mexican American, Puerto Rican, Cuban, and others.)

2. *Black:* Persons considered in school or community to be of Negroid or black African origin.

3. *Native American:* Persons considered in school or community to be American Indians or of a particular Indian tribe.

4. *Asian American:* Persons considered in school or community to be of Asian origin.

5. *Anglo:* White persons not usually considered in school or community to be members of any of the above ethnic or racial categories. This term is widely used throughout the Southwest.

Working Definitions of Racial, Ethnic, and Cultural Groups

"Racial minority groups" as used here refer to those population groups who characterize themselves as black, Asian American, Native American, and so forth.

"Ethnic groups" consist of people having a common national origin and who clearly and specifically define or identify themselves with that group.

"Cultural groups" consist of clearly identified population groups in which race and/or ethnicity may not be a major factor. Appalachian whites would be an example here.

Evaluation Procedures

The checklist is designed to provide you with a comprehensive instrument for evaluating the target school. It is important that the committee touch upon all phases of the school's operation, no matter how seemingly remote from the task at hand. An intensive study of the community and the school's enrollment area should be made to provide a framework of expectations. The extension of the school into the community and of the community into the school should be considered.

Students, parents, and community or neighborhood representatives should be involved directly in the evaluation process. The use of subcommittees is necessary in order to cover all aspects of the school. Each of the subcommittees will be responsible for one of the general areas in the checklist.

Remember that the evaluation has a twofold objective: (1) evaluate what is presently happening in the school; and, (2) stimulate improvement in those areas found to be deficient. Careful judgment is absolutely essential if these objectives are to be carried out.

Information Resources

You can draw on, basically, four kinds of general information sources: public agencies, the census, private sources, and survey results. A brief description of each follows:

Public Agencies

Information collected by Federal, State, and local agencies usually has the advantage of being detailed and frequently updated. These agencies are good sources of information in the areas of education, population characteristics, economic conditions, and public service systems. They also can provide information in areas relating to employment, health, and housing.

The Census

Census information is very useful for describing conditions in a particular neighborhood or larger geographical area. However, it is usually collected only every 10 years. Information in the various census reports can be used for identifying long-term changes in a community. This information is valuable for small geographical areas such as census and block tracts and zip code areas. Additionally, the Bureau of the Census does surveys of business, government, housing, manufacturers, and industries on a periodic basis. These, along with several less comprehensive population studies (such as the Current Population Survey) can provide you with valuable information to describe conditions in your community.

Private Sources

A number of private sources can help you in collecting and analyzing data, interpreting census data, and conducting surveys of the community. These private sources include consultants, community organizations, and local colleges and universities.

Surveys

In the absence of information reflecting community and school conditions, special surveys can sometimes be used to fill the need for specific kinds of data. Surveys can be particularly valuable for collecting information about specific neighborhoods and specific groups of people. These surveys may be designed by the evaluation committee or by consultants. Carrying out a survey, however, usually requires considerable staff and some technical expertise. As a result, the cost may be high.

General Information Resources

The following briefly outlines the kinds of information and resources you can use in evaluating schools. The next section outlines specific information sources by categories.

Population Characteristics: This information would include, but not be limited to, the following:

1. Population distribution.
2. Fertility rate.
3. School enrollment by age, sex, and race.
4. Educational attainment by race and sex.
5. Labor force characteristics by race and sex.
6. Occupation of employed persons by race and sex.
7. Mobility, commuting, and veteran status by race.
8. Education, fertility, and family composition by race.
9. Income characteristics.
10. Poverty status of families and persons by race.

The primary sources of data about population characteristics are:

1. U.S. Bureau of the Census, population census reports.

   Volume I—Characteristics of the Population

      Series PC(1)–A—Number of Inhabitants

      Series PC(1)–B—General Population Characteristics

      Series PC(1)–C—General Social and Economic Characteristics

      Series PC(1)–D—Detailed Characteristics

   Volume II—Subject Reports

      Each report in this series concentrates on a particular subject such as national origin and race, fertility, families, marital status, migration, education, unemployment, occupation, industry, and income. These reports are designated as Series PC(2).

2. County reports developed by business research bureaus in the major State universities.
3. Annual school census prepared by the State department of education.
4. Periodic population analysis by local units of governments as part of their planning programs.

Economic Activity: Information about the nature, distribution, and extent of economic activity in a particular community would include the following:

1. Employment and unemployment by race and sex.
2. Employment by industry group.
3. Retail and wholesale trade in the community.
4. Income and earnings by race.
5. Poverty conditions.

The primary sources of information about economic characteristics are:

1. Data developed by the U.S. Department of Commerce and included in the: Enumerations of Manufacturing, Business, Transportation, Agriculture, and Government. These reports are prepared by the U.S. Bureau of the Census.
2. State employment commission. Every State has an employment agency or commission. These agencies can provide information on employment, occupational needs, and earnings for a city, county, or statewide.
3. Other data sources include local colleges and universities, chambers of commerce, and local governmental agencies.

Health Characteristics: This information would include, but not be limited to, the following:

1. The number of health facilities in a particular area.
2. Morbidity and mortality by age, race, and sex.
3. Incidence of communicable diseases.
4. Persons served by local hospitals.
5. Number of medical professionals.

The primary sources of data about health characteristics are:

1. U.S. Department of Health, Education, and Welfare, Public Health Service.
2. State department of health.
3. State department of public welfare.

4. Local county health department.
5. Other data sources include local colleges and universities, hospitals, medical schools, and local governmental agencies.

Housing Characteristics: This information would include, but not be limited to, the following:

1. Condition of housing units.
2. Number of rooms in a housing unit.
3. Year housing units constructed.
4. Occupancy and plumbing characteristics.
5. Utilization characteristics of housing units by race.
6. Structural, plumbing equipment, and financial characteristics of housing units by race.
7. Degree of overcrowding.

The primary sources of information regarding housing characteristics are:

1. U.S. Bureau of the Census. Housing Census Reports.
   Volume I—Housing Characteristics for States, Cities, and Counties.
      Series HC(1)-A—General Housing Characteristics
      Series HC(1)-B—Detailed Housing Characteristics
   Volume II—Metropolitan Housing Characteristics
   Volume III—Block Statistics
   Volume IV—Components of Inventory Change
   Volume V—Residential Finance
   Volume VI—Estimates of Substandard Housing
   Volume VII—Subject Reports
2. U.S. Department of Housing and Urban Development (HUD), Federal Housing Administration. This department can provide metropolitan housing market analysis, data on FHA-insured mortgages, and periodic occupancy surveys.
3. County assessor offices can usually provide information on residential property values and limited information regarding residential property characteristics.
4. Local planning and urban renewal agencies can also provide information on housing conditions, supply, neighborhood patterns, public works, streets and sidewalks, and community facilities.

Educational Characteristics: This information would include, but not be limited to, the following:

1. Student family information by age, race, and sex.
2. Personnel information by race, qualifications, and salaries.
3. Student enrollment by age, race, and sex.
4. Student performance records, grades, and test scores.
5. School facilities.
6. College entry test participation.
7. School attendance by grade, race, and sex.
8. High school graduates by age, race, and sex.
9. Number of students with college plans.
10. Bilingual education enrollment.
11. Expenditure of special funds (Federal).

The primary sources of information about educational characteristics are:

1. Local school district.
2. State education agency.
3. Teacher associations.
4. U.S. Bureau of the Census population census reports.
5. U.S. Department of Health, Education, and Welfare, Office for Civil Rights.
6. Other data sources include local colleges and universities, local governmental agencies, and special interest research organizations.

Specific Information Sources

Those public and private agencies that should prove to be valuable sources of information appropriate for evaluating schools are listed on the pages that follow. Some of the information available from these agencies appears below most agency names.

Economic Base

Chamber of commerce
Banks
State employment commission
State industrial commission
- County bank deposits
- New manufacturing and expansion
- Retail sales
- Wholesale trade
- Value added by manufacturing
- Effective buying income

Local planning agency
Council of governments
Local colleges and universities

Education

Local school district
- Student family information
- Student performance records

- Personnel information
- School facilities
- College entry test participation

State education agency

- School attendance by grade and race
- New pupils entering school
- High school graduates by age and race
- Participation in national school lunch program
- Bilingual education information
- School plant data
- Language characteristics of student body
- Performance records
- Dropout and withdrawal rates
- Number of noncertified personnel
- Professional personnel qualifications
- Vocational education, by type of participation
- ESEA program participation
- Revenues by sources, amounts
- Expenditures, by type and amount
- Bonded debt
- Expenditure of special funds

U.S. Department of Health, Education, and Welfare (HEW), Office for Civil Rights

Employment

Chamber of commerce
State employment commission

U.S. Equal Employment Opportunity Commission

- Minority employment
- Employment discrimination

Bureau of Labor Statistics, U.S. Department of Labor

- Monthly employment and earnings
- Monthly labor turnover rate
- Occupational earnings

Health

Local health department

- Vital statistics
- Incidence of communicable diseases

Publicly-supported hospitals

- Caseloads by diagnosis
- Community health surveys

Mental health department

State department of health

- Vital statistics by community

State department of welfare

- Amount of governmental health assistance

Area council of governments

- Hospital construction, expenditures
- Health training
- Number of facilities by type, number of employees
- Persons serviced by hospitals
- Number of medical personnel

Housing

City department (planning, building inspector, code enforcement, and urban renewal)

  Housing conditions by census tract and census block
  Building code violations
  Value of improvements
  Number of dwelling units
  Dwelling unit area
  Vacant housing
  Commercial structures
  Rental housing
  Occupancy characteristics

Housing agencies—urban renewal and public housing, county tax assessor
Area council of governments
U.S. Department of Housing and Urban Development

Community and Neighborhood Characteristics

City planning department

- Land use
- Zoning
- Land value
- Building codes
- Improvement values
- Population characteristics
- Park space, location
- City maps

City police department

- Crime rates, by type crime
- Criminal activity by location
- Accidents, by type and location

City fire department

- Fires, by type, location, and size of loss
- Claims for insurance
- Inspection results

City finance department

- Tax revenues
- Expenditures
- Audits
- Operating budget
- Bonds outstanding
- Tax collections
- Size of the tax base
- Water, sewer, utility fee collections

- Capital improvements budget
- Value of capital assets
- Ratio, Federal-city operating funds
- Revenue sharing
- Capital expenditures

County Clerk

- Registrar of voters
- Percent registered voters

City Streets Department

- Street conditions
- Sidewalk conditions

City Transit Authority

- Public transportation by type, miles, frequency, location of routes, cost and use of such transportation.

Remember, to deal with the school and to carry through the evaluation process, you must first gather your information, plan your strategy, gather together your resources, and strive to eliminate, or at least modify, the problems you find.

Choosing the appropriate information is extremely important and will require some forethought and effort. It is very important that you establish those areas you want to get information on. Obviously, some forms of information are more appropriate than others. Also, the geographical base on which data are collected or the units in which the data are collected will vary. Careful planning of the data collection effort will minimize any problems you may have with different units.

A word of caution is necessary with regard to collecting data or information. It is extremely easy to get bogged down in collecting and analyzing information. Thus, you must not spend all your time collecting data. Establish categories for data collection purposes and then develop a plan to gather it.

Summary

The questions included in the checklist are designed to guide you in evaluating the school. If the questions do not permit accurate descriptions, they should be changed or dropped. Furthermore, if the checklist does not deal with certain phases of the school program that the members of the evaluation committee think are important, they should add or incorporate these features in the appropriate places.

For the purpose of evaluation, the checklist itself has been divided into six sections. These are:

I. Basic Commitments
II. The School and Its Community
III. The School and Its Characteristics
IV. The School and Its Educational Program
V. The Involvement of Parents in School Affairs
VI. The Evaluation Summary

Each section incorporates a general overview explaining what should be looked for in seeking information on a particular area of concern. Also, in each section are key questions. These questions are designed to help you focus on a specific issue or problem. Remember, these questions can be modified, dropped, or substituted as the need arises.

Checklist

I. BASIC COMMITMENTS

Overview

Every school should have a carefully formulated statement outlining its philosophy, objectives, and educational commitments. A school without such a statement would be as lost as an organization or society without rules and bylaws. The philosophy and objectives of the school and the characteristics and needs of the students together provide the foundation for the school's educational program. The basic commitments made by the school in terms of its philosophy express, in large part, the staff's convictions on such essential points as the scope of the school's responsibility for the education of youth, the nature of the educational process, the content and methods of instruction, types of student activities, and desired outcomes. Simply stated, this philosophy gives direction to the objectives and affects every policy and every activity of the school.

Each school should be free to develop its own educational philosophy. In evaluating the basic commitments, every effort should be made to determine whether the school is indeed meeting its commitments. Hence, a copy of the school's general philosophy and objectives should be carefully reviewed by the evaluation committee. 3Key Questions

1. Does the school have a statement outlining its philosophy and objectives?
2. If the school does not have such a statement, what reason is given?
3. If the school does have a statement, who formulated it?

4. How did the staff participate in discussion and development of the statement?
5. Did the school seek to involve parents in the formulation of its philosophy and objectives?
6. Over what period of time has the staff been working on the discussion and statement of this philosophy?
7. Does the school use the statement as a means for gauging the success of its educational program?
8. What sources or materials were used in developing the statement of philosophy and objectives?
9. To what extent does the school's statement provide the basis for its educational programs?
10. To what extent have specific educational objectives been developed to give direction to the school's educational program?
11. To what extent has the school made specific educational commitments?
12. To what extent has the school attempted to reach out into the community in developing its philosophy and objectives?

II. THE SCHOOL AND ITS COMMUNITY

Overview

The school exists mainly to meet the needs of youth living in a particular community or neighborhood. However, the types of people, their vocations and interests, their abilities, their racial and ethnic patterns, their hopes and dreams differ from one community to another. With respect to the evaluation, it is important that the distinctive characteristics and needs of the school community be known. In essence, both are interrelated. Therefore, the school should adapt its basic commitments and philosophy to the needs of its own community and to the larger community of which it is a part.

Descriptive Information on the Community

1. What is the total number of persons living in the school district?
2. What is the racial and ethnic composition of the district population?
   a. Total population of district?
   b. Number of Mexican Americans living in the district?
   c. Number of blacks living in the district?
   d. Number of Anglos living in the district?
   e. Number of Asian Americans living in the district?
   f. Number of American Indians living in the district?
3. What is the income distribution of the district's population by race and ethnic group?
4. What is the median income of the district's population? What is the median income of the total city? The State?
5. What is the general character of employment and unemployment of adults in this community? (Note: Census reports and data from the local employment office should provide you with the necessary data to complete this question.)
6. What is the extent of the formal education of parents and other adults in the community? (Note: Recent census reports will provide you with the necessary information to complete this question.)
7. What is the general layout of the community, its housing patterns, the neighborhood facilities? (Note: Recent census reports will provide you with the necessary information to complete this question.)
8. What organizations or community resources (other than schools) have a role in providing educational experiences for young people? (Note: This listing could include libraries, museums, colleges and universities, youth centers, and organizations such as the Boy Scouts and Girl Scouts, churches.)
9. Briefly describe the following:
   a. What are the population trends within the community?
   b. Are people moving in or out of the neighborhood? Why?
   c. What are the various cultural, racial, and ethnic organizations within the community?
   d. What kind of political structure serves the community?
      (1) What type of city government do you have?
      (2) Are the major cultural or racial or ethnic groups in the community represented in the city government and on the school board?
      (3) Do minority groups have any influence on the various political decisionmaking bodies in the community such as the city council and the school board?
   e. How many families on welfare are living in the community?

Key Questions

1. Do the school and the community engage in frequent communication with each other?

2. Do the school and the community mutually participate as contributing decisionmakers in developing educational policy?

3. Does the school seek help from all citizens and from organizations and other resources available in the community?

4. Do the school and community mutually share a concern for the correction of those conditions that deny equal opportunity to any student?

5. Is the community as a whole supportive of the educational efforts of the school?

6. How much cooperation and working together is there between the school and the parents?

7. To what extent does the community understand what the school is trying to do?

8. Does the community have a good feeling toward the school?

9. Does the community have a history of racial and cultural tension?

10. To what extent do minority groups participate in school affairs?

11. To what extent do minorities have any influence on the school board and other educational decisionmaking bodies?

12. To what degree does the school's basic commitment reflect the needs and social and economic characteristics of its students and the total community it serves?

III. THE SCHOOL AND ITS CHARACTERISTICS

Overview

The school is society's major means for transferring knowledge, ideas, and values to its youth. However, like communities, schools differ considerably from one another. How schools are governed and organized, how they are staffed, the kinds of educational programs they provide, their goals and objectives, and their student composition vary from one extreme to the other. Yet, while there is a wide difference between schools, there are some things in common as well. It is important to remember that the philosophy, objectives, and educational commitments of all schools are dependent, in large measure, on the people who use and support them. Therefore, it is essential that you know and understand who is running the school you are evaluating and how it is governed and organized. This is the task of this section.

Descriptive Information on the Operation and Management of the School

1. The School District

a. What is the overall organization of the school district? (Secure a chart describing the organization of the district and describe each component as to staffing and functions.)

b. What is the ethnic and racial and sex composition of the professional staff at the district level?

c. What are the five highest positions held by minorities and by women at the district office level?

d. What efforts are made in recruiting minorities and women for jobs at the district office level?

e. Does the present composition of the school district staff reflect the racial, ethnic, social, and economic makeup of the total community?

f. District policies and procedures:

(1) Does the district have a written policy concerning educational goals, objectives, and/or priorities?

(2) Does the district have a written policy concerning equal employment opportunities for minorities and women, affirmative action, and equal educational opportunity?

(3) Does the district have a written policy concerning the rights of students and parents?

(4) What policies relative to equal educational opportunities for all students enrolled in the district have been adopted by the district?

(5) What policies relative to students' and parents' rights have been adopted by the district?

(6) What grievance procedures are in effect at the district level to handle complaints from staff, parents, and students alleging discrimination or infringement of their civil rights?

g. What is the district's position on the following:

(1) Student rights.
(2) Parents' rights to obtain information.
(3) Corporal punishment.
(4) Access to records.
(5) Ability grouping.
(6) Bilingual education.
(7) Compensatory education.
(8) Equal education opportunity.

h. What efforts are being made by the school district to encourage the involvement of parents in school programs?

i. Does the district have a community relations program? If so, what is its impact on the community, especially the minority community?

2. The School Board

At the local level, the school board serves as the major body for developing educational policies. Composed of private citizens from all walks of life, the board has a tremendous effect on local school operations. This section seeks to provide information on this aspect of the school's operation.

a. How many members are on the school board?

b. What is the length of their term?

c. How are school board members selected?

d. What are the official qualifications for board members? The unofficial requirements?

e. What is the composition of the present board in relation to:

(1) Racial-ethnic balance?

(2) Sex?

(3) Level of education?

(4) Professions and occupations?

f. Does the present composition of the school board reflect the racial-ethnic, social, and economic makeup of the total community?

g. School board policies and procedures:

(1) Does the school board have a written policy concerning educational goals, objectives, and priorities?

(2) Does the school board have a policy concerning equal employment opportunities for minorities and women, affirmative action, and equal educational opportunity?

(3) What policies relative to equal educational opportunities for all students have been adopted by the school board?

(4) What policies relative to student and parent rights with respect to the school have been adopted by the board?

h. What is the school board's position on the following:

(1) Student rights.

(2) The right of parents to obtain information from school records.

(3) Corporal punishment.

(4) Access to school records.

(5) Ability grouping.

(6) Bilingual education.

(7) Compensatory education.

(8) Equal educational opportunity.

i. What efforts are being made by the school board to encourage the involvement of parents in school programs?

j. What is the degree of parental involvement in school board meetings?

k. Are members of the school board responsible to the needs of the total community, the parents, and the students?

3. The School

As indicated earlier, the school is society's major means for transferring knowledge, ideas, and values to its youth. How your school is accomplishing this task is one important aspect of this evaluation. Another important element is the degree of responsiveness it exercises toward its students, their parents, and the total community. This section seeks to provide information on this aspect.

a. What is the total number of students attending the school?

b. What is the racial-ethnic composition of the student population at the school?

(1) Total student population?

(2) Number of Mexican American students attending the school?

(3) Number of black students attending the school?

(4) Number of Anglo students attending the school?

(5) Number of Asian Americans attending the school?

(6) Number of American Indians attending the school?

c. What is the average daily attendance for this school?

d. What is the enrollment area for the school?

e. What are the policies for assigning students to this school?

f. What percentage of all the students in this school come from families with a total annual income of: (estimate)

(1) Below $3,000

(2) Over $10,000

g. What is the dropout-withdrawal rate among students in this school?

h. What is the dropout-withdrawal rate among:

(1) Mexican American students?

(2) Black students?

(3) Anglo students?

(4) Asian American students?

(5) American Indian students?

i. What provisions does the school make for gathering this information regularly?

j. What factors within the school or community contribute to the high dropout-withdrawal rate among minority children?

k. What is being done to improve the situation relative to withdrawals and dropouts?

l. For each ethnic group, what are the most common reasons for suspensions and expulsions?

m. What factors within the school or community could be the cause for any excessive rate of suspensions among students?

n. What is the total number of staff persons employed by the school?

o. What is the racial, ethnic, and sex composition of the staff?

p. How many people are employed part time in this school?

q. What is the principal's annual salary?

r. For how many years has the present principal been principal of this school?

s. What *number* of the full-time professional instructional staff (teachers) in this school earn the following salaries? (Do not include extra pay assignments.)

(1) Less than $4,000 for school year.
(2) $4,000 to $5,999 for school year.
(3) $6,000 to $7,999 for school year.
(4) $8,000 to $9,999 for school year.
(5) $10,000 to $11,999 for school year.
(6) $12,000 and above for school year.

t. What are the five highest positions held by minorities and by women at the school?

u. What efforts are made in recruiting minorities and women for jobs at the school?

v. Does the present composition of the school staff reflect the racial-ethnic, social, and economic makeup of the total community?

w. School policies and procedures:

(1) Does the school have a written policy concerning equal employment opportunities for minorities and women and an affirmative action plan?

(2) Does the school have a written policy concerning the rights of students and parents?

(3) What grievance procedures are in effect at the school level to handle complaints from staff, parents, or students alleging discrimination or infringement of their civil rights?

(4) What procedures are followed in student disciplinary and expulsion hearings at the school?

x. Describe the principal's position on the following:

(1) Student rights.
(2) The right of parents to obtain information.
(3) Corporal punishment.
(4) Parents' access to records.
(5) Ability grouping.
(6) Bilingual education.
(7) Compensatory education.
(8) Equal educational opportunity.

y. What efforts are being made by the school administration to encourage the involvement of parents in school programs?

z. Does the school have a community relations program? If so, what is its impact on the community, especially the minority community?

Key Questions

1. The School District

a. Is the school district administration providing active and progressive leadership toward equal educational opportunity and multicultural education?

b. Are school officials at the district level meeting with and involving representatives of local organizations and community groups interested in education?

c. Are school officials at the district level making positive efforts to balance the teachers employed by race, ethnic origin, and sex?

d. Does the school district provide inservice human relations training for its staff?

e. Does the school district have any procedures or guidelines regarding the release of information on school operations, disciplinary hearings, or reports on students to parents?

f. Does the school district have any provisions regarding the involvement of parents in the development of district policies?

g. Are school officials doing the necessary program planning to provide each student with a maximum educational opportunity?

2. The School Board

a. Does the school board provide active and progressive leadership toward equal educational opportunity and multicultural education?

b. Are positive steps taken by the school board to keep the community informed of major board decisions, plans, and progress?

c. Does the school board recognize the need to establish a clear policy on student rights and the rights of parents to seek information from the schools in the district?

d. Has the local school board taken positive steps to encourage the involvement of parents, especially minority parents, in local school operations?

e. Does the local school board attempt to hear all sides of an issue at its meetings?

f. Is the local school board responsive to the needs of the total community?

g. Are board meetings run in a democratic way? With clearly defined procedures and rules?

3. The School

a. Are school officials providing active and progressive leadership toward equal educational opportunity and multicultural education?

b. Are school officials meeting with and involving local parent groups and other local civic organizations interested in education?

c. Are positive efforts being made by the school to keep parents and students informed of major school decisions and plans?

d. Does the school provide any inservice, human relations training for its staff?

e. Does the school have any procedures or guidelines regarding the release of information on school operations, disciplinary hearings, or reports on students to parents?

f. Does the school attempt to involve parents in the development of school rules and policies?

g. Are efforts being made by the school to take full advantage of all available technical assistance from local, State, and national resources?

h. Has the school experienced any racial-cultural tension during the last 12 months?

i. Are school officials and teachers able to identify problems that block or hinder open and honest communications between themselves, students, and parents?

j. Have school officials and teachers taken the lead in eliminating prejudices, stereotypes, and misunderstandings among students?

Related Questions—The School District

a. To what extent has the superintendent provided the necessary leadership to start new educational programs?

b. To what extent does the superintendent make professional staff appointments that reflect the racial-ethnic, social, and economic composition of the district?

c. To what extent does the superintendent endorse equal educational opportunity?

d. To what extent does the superintendent promote equal educational opportunity?

e. To what extent does the superintendent work with local parent groups and civic organizations in developing school policies and programs?

f. To what extent has the superintendent supported inservice, human relations training programs for school staff?

g. How successfully has the school district involved parents in school policy and program development?

h. To what extent does the school district support student rights?

i. To what extent does the school district support the idea of keeping the community informed of major policy decisions, plans, and progress?

Related Questions—School Board

a. To what extent is the school board committed to equal educational opportunity?

b. To what degree has the school board kept the community aware of major board decisions, plans, and progress?

c. How effective has the school board been in providing the necessary leadership to start new programs such as bilingual-bicultural education?

d. To what extent has the school board responded to the needs of students and parents in the district?

e. To what extent do parents become involved in school board meetings?

f. How effective are school board meetings in discussing policies, programs, and issues?

g. How extensive is the interaction between board members and the audience?

h. To what extent is the general community involved in the school board meetings?

i. To what extent does the school board influence the superintendent of the district?

Related Questions—The School

a. To what extent have school officials, especially the principal, provided active and progressive leadership toward equal educational opportunity?

b. To what extent does the local school administration meet with and involve parent groups and other local organizations in school planning?

c. To what extent is the school keeping the students and parents informed of major school decisions and plans?

d. To what degree are school officials able to identify problems that may block or hinder communications between themselves, students, and parents?

e. To what extent is there racial tension in the school?

f. To what extent has the school been able to reinforce intergroup relations among students?

g. To what extent do parents in the community understand what the school is trying to do?

h. To what extent are school officials sympathetic to community needs?

i. To what extent does the principal seek to have community people contribute their ideas about how the schools can be improved?

j. To what extent are the principal and other school officials willing to talk with parents on important issues?

k. To what extent is the school staff receptive to minority teachers?

l. To what degree do teachers in the school recognize the need for equal educational opportunity?

m. To what extent do teachers search for ways to open up communications between different racial-ethnic and cultural groups with the school?

n. To what extent have teachers and administrators in the school participated in workshops, seminars, institutions, etc., in human relations?

o. To what extent is the principal accessible to parents?

p. To what extent is the principal accessible to minority parents and students wishing to discuss racial, ethnic, and school issues?

q. To what extent does the principal deal directly and openly with minority groups in the community?

r. To what extent do students become involved in the development of school programs?

s. To what extent do minority students become involved in the development of school programs?

t. To what degree is the school meeting the needs of the entire community?

u. To what degree is the school meeting the needs of the minority community?

IV. THE SCHOOL, AND ITS EDUCATIONAL PROGRAM

Overview

The curriculum provides the basis for the school's educational program. To a large extent, it is centered around the specific subjects and courses that a student takes and the textbooks used in the teaching of those subjects and courses. But curriculum also extends to the procedures and rules established by the school for the purpose of effecting educational change in the behavior and development of the students. In this sense, the school's basic commitments, organization, special programs, physical facilities, extracurricular activities, counseling, and health services all play an important part in providing students with intellectual and social skills. This section examines the school's educational program and its learning environment and provides information on these aspects.

Descriptive Information on the School's Program of Studies

1. Organization

The program of studies consists of the courses of instruction available to students within a particular school. This program functions through teaching materials and learning activities. It provides for the common as well as individual, educational needs of students. This section seeks to provide information on this aspect of the school's operation.

a. What subjects are offered to students in this school?

b. Does the program of studies provide for both the total student body and individual needs of the students?

c. Does the program of studies provide courses for slow learners.

d. Does the program of studies incorporate bilingual-bicultural classes?

e. Does the program of studies include the historic, cultural, and intellectual contributions of American Indians, blacks, Asian Americans, Spanish-speaking people, etc.?

f. Are special courses provided in ethnic studies? If so, describe the courses.

g. Are all courses readily available to students from all racial and ethnic groups?

h. Is the program of studies reviewed periodically to identify needed changes? If so, who reviews the program?

Key Questions

a. Does the program of studies emphasize the strengthening and maintenance of basic skills?

b. Are staff members aware of their responsibilities for maintaining and strengthening the basic skills?

c. Are opportunities provided to students for acquiring a knowledge of various racial, ethnic, and cultural viewpoints?

d. Are opportunities provided to students to interact with various racial, ethnic, and cultural groups within the school?

e. Are community resources used to enrich the instructional program?

f. Are parents used to enrich the instructional program by participating in school activities?

g. Is the present program of study designed to meet the needs of all students or only some of the students?

h. Does the program of study tend to exclude certain groups of students?

i. Are the particular needs of minority and economically disadvantaged students taken into account in developing the program of studies?

j. Is the quality of instruction adequate throughout the school?

k. Is the school attempting to identify problems in the program of studies and seeking their solution?

Related Questions—Program of Studies

a. In what respect is the program of studies most satisfactory and commendable?

b. In what respect is there greatest need for improving the program of studies?

c. In what respect is the program of studies directed toward the various racial, ethnic, and cultural groups in the school?

d. What studies of the educational program have been made in this school within the last 2 years?

2. Curriculum

In general, sound curriculum planning and development is based upon information about three basic elements: the student, his or her immediate community, and the needs of society in general. This information is vital if the curriculum is to help make education a means of preparing children to enter the world outside as productive and concerned citizens. This section seeks to provide information on the school's curriculum and its responsiveness to the needs of all students.

Key Questions—Curriculum

a. Who is responsible for developing the curriculum at the school?

b. Do curriculum development procedures include an analysis of student and community needs?

c. Do all staff members have an opportunity to contribute to curriculum development?

d. Is there any parental involvement in curriculum development?

e. Is there any student involvement in curriculum development?

f. Does the school use professional consultants in developing its curriculum?

g. In developing the curriculum, does the school:

(1) Conduct followup studies of students who have left school?

(2) Analyze the reasons for student failures?

(3) Study curricular materials used in other schools?

(4) Study reports dealing with curriculum research?

(5) Maintain continuous evaluation of the educational program?

(6) Conduct studies of the local community?

(7) Experiment with new materials and procedures?

h. Does the curriculum take into consideration the needs of minority students? If so, explain in what ways the curriculum supports multiethnic and multicultural education.

i. What efforts have been made within the last 2 years to make the curriculum more meaningful to the needs and requirements of Mexican American, black, American Indian, and Asian American students?

j. To what extent does the school's formal curriculum promote ethnic studies and multicultural education?

k. To what extent are minority groups involved in the development of the school's curriculum?

l. Does the school's curriculum provide genuine options for minority and economically disadvantaged students who will enter the work force upon graduation from high school?

m. Is the school developing programs and teaching materials specifically for ethnic studies?

n. Does the school library have a good collection of multicultural and multiracial materials?

o. Are textbooks carefully selected for their equitable treatment of nonwhite and ethnic minority groups, as well as sex stereotyping of ideas?

p. Are curriculum materials judged on their coverage and treatment of various racial, ethnic, and cultural group contributions, as well as on other criteria?

q. Do the various learning materials available to students contribute and support the school's efforts to enhance intergroup relations?

Related Questions—Curriculum

a. In what respect is the curriculum most satisfactory and comfortable?

b. In what respect is the curriculum deficient?

c. In what respect is the curriculum directed towards the various racial, ethnic, and cultural groups in the school?

d. What special studies dealing with the curriculum have been made in this school within the last 2 years?

e. In what respect is there greatest need for improving the curriculum, especially as it relates to the needs of minority and economically disadvantaged students?

3. Bilingual-Bicultural Education

Bilingual-bicultural education has been defined as: instruction in two languages and the use of those two languages as mediums of instruction for any part or all of the school's curriculum and including study of the history and culture associated with the student's mother tongue. A complete program develops and maintains the children's self-esteem and a legitimate pride in both cultures. This section seeks to provide information on the school's emphasis on bilingual-bicultural education.

Key Questions

a. Does the school endorse bilingual-bicultural education? Describe the principal's position on bilingual-bicultural education.

b. Describe the courses or subjects offered under bilingual-bicultural education.

c. How many students are enrolled in bilingual-bicultural subjects or courses?

d. How many teachers are assigned to teach bilingual-bicultural subjects and courses?

e. How many of these teachers are bilingual?

f. Is there any attempt to integrate bilingual-bicultural education into the total curriculum?

g. How many clock hours a week is a student required to take a course or subject in a bilingual-bicultural setting?

h. Does the school utilize bilingual-bicultural textbooks in the classroom?

i. Does the school:

(1) Maintain a good collection of bilingual-bicultural materials in its library?

(2) Allow easy access to bilingual-bicultural materials to all students?

(3) Carefully select textbooks in relation to its bilingual-bicultural program?

(4) Maintain bilingual-bicultural teaching materials to cover all interest levels of students?

(5) Maintain bilingual-bicultural teaching materials at varying levels of difficulty?

Related Questions—Bilingual-Bicultural Education

a. In what respect is the bilingual-bicultural aspect of the school's educational program most satisfactory and commendable?

b. In what respects is the bilingual-bicultural aspect of the school's educational program deficient?

c. What special studies dealing with bilingual-bicultural education have been made in this school within the last 2 years?

d. To what extent has the school and the community as a whole accepted the idea of bilingual-bicultural education?

e. In what respects is there greatest need for improving the bilingual-bicultural program in the school?

4. Language

Oral language is probably the most basic element of any curriculum. This is especially true in the early years of schooling when children must depend almost entirely on their ability to communicate orally. To a large extent, many schools base their curriculum and program of studies on the assumption that the child has oral skills in the English language. However, as many studies have shown, this assumption often is false. This section provides information on this aspect of the school's ability to respond to the needs of its students.

Key Questions

a. Does this school discourage Mexican American students from speaking Spanish?

(1) On the school grounds?

(2) In the classroom (except Spanish class or Spanish club)?

b. If the answer is yes to the above, in what way does this school discourage the speaking of Spanish?

(1) Does it require staff to correct those who speak Spanish?

(2) Does it suggest that staff correct those who speak Spanish?

(3) Does it encourage other students to correct those who speak Spanish?

(4) Does it provide student monitors to correct those who speak Spanish?

(5) Does it discipline persistent speakers of Spanish?

c. Does the school currently have a written policy regarding the use of Spanish?

d. What is the teaching staff's position on the use of Spanish in the classroom or on school property?

e. What is the principal's position on the use of Spanish in the school?

5. Ability Grouping

Ability grouping may take a variety of forms. Two common types are tracking, which is the practice of assigning students to the same ability group for all academic classes, and homogeneous grouping, by which students may be placed in different ability group classes for different academic subjects.

Educators are becoming increasingly aware that tracking and grouping by ability are not the most successful way to provide quality education. First, it has been demonstrated that student testing devices do not always provide an accurate measure or indication of minority students' abilities and potentials. Second, test scores can be distorted when tests are administered by an Anglo adult to minority youngsters. Third, this procedure classifies students according to their ability to read English rather than on actual ability.

Key Questions

a. What is the school's policy with respect to grouping or tracking?

b. Does this school group or track students according to ability or achievement in class?

c. If students are grouped or tracked, are they placed in a particular group and attend all classes within this group?

d. If students are not grouped or tracked into a particular group, are they placed into different groups for different subjects depending on their ability in the subject?

e. If ability grouping is practiced in this school, is it a basic part of the educational program?

f. Are students who are placed in lower-ability groups provided with special supportive services and instruction in accordance with individual needs?

g. Are all students regardless of whether they are in lower-ability groups or in accelerated classes receiving instruction according to their needs?

h. Do minority and economically disadvantaged students tend to be placed more frequently into lower-ability groups?

i. Has the school carefully evaluated all its standard testing devices to ensure that they provide a valid indication of student ability and potential?

j. Have precautions been taken by the school to prevent possible distortion of test results especially when tests are given to minority and economically disadvantaged students?

k. Do students tend to become locked into certain ability groupings for the duration of their stay at the school?

l. Have special remedial educational programs been developed and implemented at the school to meet the particular needs of students in lower-ability groups?

m. Has ability grouping resulted in the segregation or isolation of minority and economically disadvantaged students from the total student body?

n. Are there any indications that latent prejudices or stereotyped thinking may unfairly influence the teachers' evaluation of students?

6. Placement of Students in Educable Mentally Retarded Classes

When a school determines that a student is too academically slow to benefit from the regular educational program, it may assign that student to a class for the educable mentally retarded (EMR). The two criteria used most frequently in assigning students to EMR classes are teachers' recommendations and intelligence tests.

However, teachers are seldom trained to diagnose mental retardation and, as noted previously, teachers may be biased against minority and economically disadvantaged students' ability because of their unfamiliarity with the students' language and culture. Thus, teachers may interpret poor academic performance as a lack of intelligence when it may instead be due to the school's failure to provide these students with the necessary skills for academic success. This section seeks to provide information on this issue.

Key Questions

a. What criteria are used to assign students to EMR classes in this school?

b. What precautions are taken by the school to prevent misinterpretation of academic performance and test results in assigning students to EMR classes?

c. What is the number of students assigned to EMR classes, according to racial-ethnic categories?

d. Do minority or economically disadvantaged students tend to be placed more frequently in EMR classes than other students? If yes, what are some of the reasons for this situation?

e. Do students in EMR classes tend to be isolated from the rest of the student body? If yes, what are some of the reasons for this situation?

f. Are the EMR classes integrated into the total educational program of the school? If not, what reasons are given?

g. If the school does not have any program for EMR students, what other district or community resources are called upon to help meet their needs?

h. Are EMR students given special education to upgrade their academic and performance levels? If so, describe the educational program for these students.

i. Are EMR students encouraged to seek the highest levels of education and employment for which they are suited?

j. To what degree are the parents of these students involved in their education?

k. Is the staff assigned to EMR classes integrated racially and ethnically?

l. What are the qualifications of the EMR staff? Are any special qualifications needed? If so, what are these qualifications?

Related Questions—Placement of Students in Educable Mentally Retarded Classes

a. Are EMR students provided special supportive services on an integrated basis in accordance with individual needs?

b. Are teachers making a positive effort to integrate EMR students into all school activities?

c. Are the teaching methods and materials utilized by the school appropriate for EMR students?

d. Are there indications that hidden prejudices or stereotyped thinking may unfairly influence the assignment of students to EMR classes?

e. Are there any specially-funded programs in the school helping to promote the education of EMR students?

f. If there are specially-funded programs for EMR students, are they becoming integral elements of the school's total program?

g. In what respect is the program for EMR students most satisfactory?

h. In what respect is there greatest need for improving the program of studies for EMR students?

j. To what extent does the current program of studies meet the needs of EMR students?

7. Specially-funded Programs

The school programs that are funded by Federal or State funds are becoming very important to the operation of the schools. In many instances, these funds are critical to development of new programs designed to help specific population groups or focus on specific problem areas. This section seeks to provide information on this aspect of the school's operation.

Key Questions

a. What special and/or specially-funded programs (Federal programs, foundation grants, projects, etc.) are being used by the school?

b. How is each program funded and what are its specific goals and objectives?

c. How many students are being served by these programs?

d. What criteria are used to place students into these programs?

e. In order to staff these programs, has the school sought outside personnel or utilized existing personnel? What criteria are used in staffing these programs?

f. What efforts are being made to evaluate the impact of these programs by the school?

g. To what extent are these programs an integral part of the school's regular program of studies?

h. To what extent are parents involved in these programs?

i. Does the school utilize parent advisory groups for these programs? If so, do these advisory groups represent the racial-ethnic, social, and economic characteristics of the population they serve?

j. Has the principal provided active and progressive leadership in securing outside (State and Federal) funds to implement special programs at the school?

k. Are positive efforts being made by the school to keep parents and students informed of major programs?

l. Are efforts being made by the school to take full advantage of all technical assistance from local, State, and national sources in developing and implementing special programs?

8. Extracurricular Activities

The school generally provides for two kinds of learning experiences, the regular classroom activities and those referred to as extracurricular or cocurricular. Together, they form an integrated educational experience aimed at enhancing the learning environment of the student. In this sense, the courses of study are recognized as essential parts of the education process; the extracurricular, on the other hand, are seen as only indirectly related to the educational development of the students.

The student activity program usually attempts to develop desirable social traits in situations providing opportunity for individual, small group, and entire school participation. This section, therefore, seeks to provide information on this aspect of the school's overall program of studies.

Key Questions

a. What extracurricular activities are endorsed by the school?

b. Are all students, regardless of race or social and economic status, encouraged by the school and the individual activity sponsors to participate in extracurricular activities in the school? If this is not the case, why?

c. Do the various organizations, clubs, and athletic programs reflect the racial and cultural composition of the student body? If not, why?

d. Are there any clubs or organizations specifically designed for particular racial and ethnic minority groups in the school? If so, what are their purposes?

e. Do athletics and other competitive activities in the school provide for a full range of racial and cultural interaction with ability being the only criterion for team membership or participation? If not, why?

f. What kinds of extracurricular activities in the school are especially designed to promote racial, ethnic, and cultural understanding?

g. What kinds of extracurricular activities in the school have resulted in increasing racial, ethnic, social, or economic isolation?

h. What has been the extent of minority student involvement in student government within the past 2 years?

i. What situation(s), if any, might exist in the school wherein minority students are excluded from participating in the school club, organization, or activity by the attitudes of fellow students or the staff?

Related Questions—Extracurricular Activities

a. What are the best elements or characteristics of the extracurricular program?

b. In what respect is the extracurricular program least adequate or in greatest need of improvement?

c. What improvements are now being made or are definitely planned for the immediate future?

d. To what extent does the school's extracurricular program meet the needs of all its students?

9. Counseling and Guidance Services

The basic purpose of counseling is to serve as a necessary bridge between the demands of the school and society and the needs of the individual students. Counseling is perhaps one of the most important services the school provides to the student outside the classroom.

Counselors carry out a number of functions vital to the educational, social, and emotional development of students. These services are especially important for students from economically disadvantaged backgrounds. By providing a bridge, counselors can facilitate the success of economically disadvantaged and minority students by reducing their anxieties arising out of the school's response to their different language, culture, or economic status. How well the school's counseling program responds to the needs of disadvantaged and minority students is the subject of this section.

Key Questions

a. What is the present staffing of the counseling section of the school? What is the student-counselor ratio?

b. Is the counseling staff representative of the racial, ethnic, cultural, and sex composition of the student population? If not, why?

c. What is the relationship between the counselors and minority students at the school?

d. What is the relationship between the counselors and the teachers at the school?

e. What specific efforts has the counseling department made to reach minority and economically disadvantaged students?

f. What is the relationship existing between counselors and parents? Is there a degree of cooperation between counselors and parents, especially minority parents?

g. Are community leaders and business and professional persons from minority groups involved in the counseling and guidance program? If not, why is the involvement lacking?

h. Does the counseling staff at the school tend to direct minority and economically disadvantaged students into vocationally-oriented courses rather than academic- and college-oriented courses? If so, what is the reason for this situation?

i. What are the greatest needs in the counseling department in relation to helping minority and economically disadvantaged students?

j. What changes, if any, are being considered in the counseling and guidance services to make them more responsive to the needs of all students and especially minority students?

Related Questions—Counseling and Guidance Services

a. Are counseling and guidance services provided for all students at all levels on an equal basis?

b. Are efforts made to inform minority and economically disadvantaged parents of the function and purposes of the counseling and guidance services?

c. Does the school make a definite effort to involve the parents of minority and economically disadvantaged students in the counseling and guidance program?

d. Do counselors have a sensitivity to the problems and needs of minority students, their cultures, and their communities?

e. Does every school counselor strive to keep informed of the developing needs and aspirations of the community?

f. Do the counselors understand the rationale for desegregation and integration within the context of the school?

g. Are counseling and guidance services provided in languages other than English when this is necessary?

h. Do counselors openly discuss racial and cultural considerations with students?

i. Does the counseling and guidance staff attempt to help teachers reexamine their views of racial minority and culturally different students?

j. Does the school seek to identify and counsel minority and economically disadvantaged students with high but hitherto unrecognized academic ability?

k. Does the counseling and guidance staff attempt to search out and counsel students who may be potential dropouts?

l. Do the counselors clearly convey in their behavior the idea that *all* students can achieve academically?

m. Do the counselors make available information on financial aid and special assistance relative to both present and future educational needs to minority and economically disadvantaged students?

n. Do counselors visit the homes of minority and economically disadvantaged students?

o. Do counselors provide special and careful counseling to minority and economically disadvantaged parents to help them select wisely for their children among the educational options available at the school?

p. What is the concept of counseling services held by members of the school's staff?

q. How extensive are the provisions for counseling services?

r. How adequate is the preparation of the counseling staff?

s. How adequate is the experience of the counseling staff?

t. To what extent do teachers indicate interest in and understanding of the counseling services?

u. How well do teachers and counselors cooperate in appropriate phases of the counseling services?

v. How adequate are the provisions for securing the services of specialists such as psychologists, psychiatrists, and social workers?

w. How adequate are the provisions for obtaining information about students?

x. How extensive is the information concerning home and family background of the student?

y. To what degree is this information kept up to date?

z. How extensive is the student's scholastic progress and test information?

aa. How extensive is the information concerning the student's personal and social development?

bb. How well are student records organized, filed, and protected?

dd. To what extent is the student's social and economic background used by the counselor?

ee. How effective is the counseling in reaching the students, especially minority and economically disadvantaged students?

ff. To what degree are the counselors concerned with all phases of student development—physical, mental, emotional, social, moral, and spiritual?

gg. To what extent are parents involved in the counseling process?

hh. To what extent do counselors maintain desirable relationships with students through close association with student interests and school activities?

10. School facilities

The school plant—consisting of the site, building, equipment, and services—is a major factor in the operation and functioning of the educational program. School facilities are more than a place of instruction. The physical surroundings have an effect on students that either helps or limits the students' achievement.

The school facilities must provide the kind of environment that encourages student learning and enhances the educational needs of youth. This necessitates provision for a variety of classroom, extracurricular, recreational, and community activities. In addition, the school must provide adequate lighting, water, heat and ventilation, and sanitation services, which contribute to the health of its occupants.

Keeping the above in mind, this section will examine and provide data on the school's physical facilities.

Key Questions

a. Secure the following data:
  (1) What is the age of the building(s)?
  (2) What type(s) of construction is used?
  (3) How many acres are there at the school site?
  (4) How many square feet are in the building(s)?
  (5) How many permanent teaching stations are there?
  (6) How many students can the building hold?
  (7) What is the maximum building capacity (without portables)?
  (8) How many temporary classrooms are there?

b. Is the school readily accessible to the students served?

c. Is the school readily accessible to public transportation?

d. What is the general appearance of the school building (poor, good, excellent, standard, substandard)?

e. How satisfactory is the exterior appearance of the building?

f. How satisfactory is the interior appearance of the building?

g. Is the building sufficiently extensive to provide for present educational needs? If not, why?

h. How extensive is the site in terms of the number of students enrolled?

i. To what extent do the physical qualities of the school grounds promote accident-free use by students, staff, and others?

j. How satisfactory is the facility arranged to permit and encourage community use of facilities?

k. How adequate are the provisions for:
  (1) Illumination?
  (2) Maintaining proper temperatures?
  (3) Water and sanitation?
  (4) Fire protection?

l. How satisfactory is the size of classrooms in relation to the size of class sections?

m. What kinds of equipment are found in the classroom? How adequate is this equipment?

n. How adequate are the size and seating capacity of the auditorium? Is it sufficient to meet the needs of the school?

o. Is the size of the lunchroom sufficient to meet enrollment needs? If not, why?

p. What steps have been taken to maintain sanitary conditions in the lunchroom?

q. How satisfactorily are sanitary conditions maintained?

r. What are the conditions found in the general office and faculty rooms? How satisfactory are the space provisions for these offices? How adequate is the equipment in the general office?

s. What facilities are used for health examinations of students and for treatment of minor illness or injury? How adequate are these facilities?

t. How adequate is the library? What is the number of books included in this facility? Is there sufficient room for students to use it? Is the library consistent with the philosophy and objectives of the school?

Related Questions

a. What are the best elements or characteristics of the school plant?

b. In what respect is the school plant least adequate or in greatest need of improvement?

c. What improvements in the school plant are now being made or are definitely planned for the immediate future?

d. What studies has the school made or is in the process of making related to school facilities?

11. School Personnel

Critical to the success of any educational program is the attitude and responsiveness of the principal, faculty members, counselors, and other school staff to the needs of the students, their parents, and the total community. Educators seeking to gain the cooperation of minorities and community groups must demonstrate their willingness to identify themselves *with the needs and aspirations of these groups.*

Key Questions

a. To what extent has the school sought to involve the minority community in school affairs?

b. What efforts are being made by the school or the district to sensitize school staff toward community problems?

c. To what extent do the principal and the staff solicit the views and reactions of different student groups, parents, and community organizations on certain issues?

d. To what degree does the school deal openly with the community?

e. What kind of feelings do students, parents, and community groups exhibit toward the school and its staff?

f. Does the principal and the rest of the school staff understand the rationale underlying the positions and arguments of minority groups in the community?

g. What is the general attitude and responsiveness of the school staff toward the:

(1) Needs of students?
(2) Their parents?
(3) The community?
(4) Needs of minority students?
(5) Minority parents?
(6) Minority community?

h. What is the general attitude of the teachers toward students and parents, and especially minority groups?

i. Do the teachers make any efforts to overcome racial tensions within the classroom and reinforce intergroup relations?

Related Questions—Personnel Attitudes

a. Does the principal know how to find out about and influence the behavior of teachers who practice open or subtle forms of racial or ethnic discrimination?

b. Does the principal deal openly with the possibility of racial tension among staff members and the student body?

c. Does the principal implement needed programs and changes only after pressure groups confront him or her?

d. Does the principal meet with community groups to deal with classroom problems?

e. Does the principal implement plans for educational change in controversial areas in spite of potentially unpleasant incidents?

f. Do the teachers inspire the students to respect one another and be open and honest in their communications with them?

g. Do the teachers take the initiative in eliminating prejudices, stereotypes, and misunderstandings among students?

h. Do teachers carefully review and evaluate textbooks to determine whether they contain fair and appropriate treatment of minority groups?

i. Do teachers attempt to involve parents in classroom activities?

j. Do teachers listen to and accept student opinions irrespective of race or ethnicity?

k. Are the teachers open to criticism?

l. Are the teachers available to *all* students in the class?

m. Do the teachers tend to behave differently with students of different races or backgrounds?

n. To what extent does the school staff understand the needs of the community?

o. To what degree does the school staff accept responses from the community, especially the minority community?

p. To what extent is the school staff sympathetic to the needs of minority and economically disadvantaged students?

q. To what degree does the community perceive the school as a positive institution?

r. To what extent are the teachers hostile to the students?

s. To what extent does the school staff seek to have community people contribute their ideas about how the schools can be improved?

t. To what extent do school staff members treat members of the community as equals?

u. To what extent are school administrators willing to talk with community people?

V. THE INVOLVEMENT OF PARENTS IN SCHOOL AFFAIRS

Overview

As individuals, parents may not be the most vocal and visible elements in the community, but when they band together at the voting polls, form community organizations, and exert pressure regarding important decisions about the education of their children, they can have a powerful effect.

Educators, in turn, seeking to gain the cooperation of parents and community groups must demonstrate a willingness to involve them in school affairs. In this sense, parents can participate in making a variety of decisions about the curriculum, the selection of new teachers and administrators, the evaluation of school programs, financial allocations, and school policy.

This section of the evaluation will help you assess the kinds and extent of parental involvement in school affairs.

Descriptive Information Relating to Parental Involvement

1. What are the various parent and community groups involved with the school?
2. What roles and functions do they exercise in school operations?
3. What is the makeup of these parent and community groups with respect to race, ethnicity, sex, social, and economic composition?
4. Are there any school advisory groups and organizations?
5. If so, what is the racial, ethnic, sex, social, and economic composition of these advisory groups? Does the composition of these advisory groups reflect the composition of the community?
6. What is the role of each of these advisory groups?
7. What impact or influence have these advisory groups had on school policy?
8. Are there any advisory groups related specifically to federally-funded programs such as Title I, migrant education, etc.?
9. If so, what is the racial, ethnic, sex, social, and economic composition of these advisory groups? Does the composition of these groups reflect the racial, ethnic, sex, social, and economic makeup of the community? If not, what is the reason for this situation?
10. To what extent are parents involved in day-today operations of the school?
11. Can parents attend school staff meetings? If not, what kinds of meetings can they attend?
12. In what ways does the school encourage the involvement of parents in school operations?
13. In what ways does the school discourage the involvement of parents in school operations?

Key Questions—Parental Involvement in School Affairs

1. Does the school seek the assistance of the community in developing its educational program? Of minority parents?
2. Does the school provide current information about its program to members of the community and parents?
3. Does the school share its decisionmaking power concerning objectives, programs, activities, and procedures with various racial and cultural groups in the community?
4. Does the school offer special orientation programs for minority parents?
5. Do school administrators and teachers attempt to explain to the community the nature and rationale of the school's educational program?
6. Has the school attempted to engage the support of minority groups in the community in developing school policy?

7. Are parents actively involved in the school decisionmaking process?
8. Do parents feel that they are involved in school affairs to the degree they should be?
9. Does the school encourage the formation of parent groups representing various racial and ethnic interests?
10. Are the recommendations or requests of such groups carefully considered by the administration?
11. Have the recommendations or requests of such groups been effective in changing school policies?
12. Does the school actively seek out the advice of various groups in implementing new policies?
13. Are parents fully aware of their right to secure information from the school administration concerning various educational programs?
14. Are parents informed of new policy decisions?

Related Questions—Parental Involvement in School Affairs

1. How wide is the involvement of all interested parties (staff, students, parents, community) in establishing school policy?
2. What factors in the school and/or community tend to promote the involvement of parents in school affairs?
3. What factors in the school and/or community tend to discourage the involvement of parents in school affairs?
4. In what respects are the efforts of the school toward increasing the involvement of parents most satisfactory and effective?
5. In what respects are these efforts most in need of improvement or development?

VI. EVALUATION SUMMARY

In this section, carefully summarize each of the areas evaluated. Recommend, in order of priority, steps that might be taken in each area to improve the school's response to its students, their parents, and the total community.

I. Basic Commitments
II. The School and Its Community
III. The School and Its Characteristics
IV. The School and Its Educational Program
V. The Involvement of Parents in School Affairs

After briefly summarizing the above and offering basic recommendations, answer the following questions:

1. What are the school's basic purposes?
2. What degree of respect for students does the school exhibit?
3. What kinds of learning opportunities does the school offer?
4. What kinds of self-concepts do the students exhibit?
5. How positive are the attitudes exhibited *in* the school *toward* the school?
6. What kinds of home-school and staff-parent relationships does the school maintain?